



Mildura Rural City Council

AGENDA

Ordinary Meeting of Council

5:30pm Thursday 28 April 2022

VENUE:

**Committee & Council Room
76 Deakin Ave, Mildura**

NEXT ORDINARY MEETING OF COUNCIL

5:30pm Thursday 26 May 2022

Copies of Mildura Rural City Council's Agendas & Minutes
can be obtained online at www.mildura.vic.gov.au

Prayer

Almighty God,

We who are gathered together in Council,
pledge ourselves to work in harmony for
the welfare and development of our Rural City.

Guide us, we pray, in our deliberations,
help us to be fair in our judgement and
wise in our actions,
so that prosperity and happiness
shall be the lot of our people.

Amen.

Acknowledgement of Country

“I would like to acknowledge the Traditional Owners and
Custodians of the land, which now comprises the Mildura
Rural City municipality. We pay our respects to Elders
past and present and celebrate and respect their
continuing cultures and acknowledge the memories of
their ancestors”.

Note to Councillors

Declaration of Interest

Councillors should note that in accordance with section 130 of the *Local Government Act 2020*, there is an obligation to declare a conflict of interest in a matter before Council.

A conflict of interest can be *general* or *material* in nature.

A Councillor has a *general conflict of interest* if an impartial, fair-minded person would consider that the Councillor's private interests could result in that Councillor acting in a manner that is contrary to their public duty.

- Private interests means any direct or indirect interest of a Councillor that does not derive from their public duty and does not include an interest that is only a matter of personal opinion or belief.
- Public duty means the responsibilities and obligations that a Councillor has to members of the public in their role as an elected representative.

A Councillor has a *material conflict of interest* if an affected person would gain a benefit or suffer a loss depending on the outcome of the matter.

The benefit may arise or the loss incurred –

- (a) directly or indirectly; or
- (b) in a pecuniary or non-pecuniary form.

An *Affected Person* includes:

- (a) the relevant person;
- (b) a family member of the relevant person;
- (c) a body corporate of which the relevant person or their spouse or domestic partner is a Director or a member of the governing body;
- (d) an employer of the relevant person, unless the employer is a public body;
- (e) a business partner of the relevant person;
- (f) a person for whom the relevant person is a consultant, contractor or agent;
- (g) a beneficiary under a trust or an object of a discretionary trust of which the relevant person is a trustee;
- (h) a person from whom the relevant person has received a disclosable gift.

Disclosure of Conflict of Interest

A Councillor must make full disclosure of a conflict of interest by advising the type and nature of the interest immediately before the matter is considered at the meeting. Following the disclosure and prior to the matter being considered or any vote taken, the Councillor with the conflict of interest must leave the room and notify the Chairperson that he or she is doing so.

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MARTIN HAWSON

CHIEF EXECUTIVE OFFICER

1 PRAYER AND ACKNOWLEDGEMENT OF COUNTRY

2 OPENING AND WELCOME

3 PRESENT

4 APOLOGIES AND ABSENCES

5 CONFIRMATION OF MINUTES

Ordinary Meeting of Council held on 24 March 2022

That Council confirm the minutes of the Ordinary Meeting of Council of 24 March 2022 as a correct record

Confidential Meeting of Council held on 24 March 2022

That Council confirm the minutes of the Confidential Meeting of Council of 24 March 2022 as a correct record

Special Meeting of Council held on 7 April 2022

That Council confirm the minutes of the Special Meeting of Council of 7 April 2022 as a correct record

Special Meeting of Council held on 13 April 2022

That Council confirm the minutes of the Special Meeting of Council of 13 April 2022 as a correct record

Special Confidential Meeting of Council held on 13 April 2022

That Council confirm the minutes of the Special Confidential Meeting of Council of 13 April 2022 as a correct record

6 CONFIRMATION OF COUNCIL AUSPICED MEETINGS

In accordance with Part 23 of Council's Governance Rules, records of Council Auspiced Meetings must be reported to the next Ordinary Meeting of Council and confirmed in the minutes.

A Council Auspiced Meeting is defined in the Governance Rules as a meeting at which matters are considered that are intended or likely to be the subject of a Council decision or the exercise of a delegated authority and which is either of the following:

- A meeting of an advisory committee where at least one Councillor is present; or
- A planned or scheduled meeting that includes at least half the Councillors and at least one Council officer.

The record is therefore presented for Council's noting.

Recommendation

That Council note the following records of Council Auspiced Meetings:

- **Councillor Briefing regarding Mildura East Growth Area – Vision & Key Directions - 28 March 2022**
- **Council Forum - 13 April 2022**
- **Council Forum - 14 April 2022**

RECORD OF COUNCIL AUSPICED MEETINGS

Meeting Details	Councillor Attendees	Other Attendees	Matters Discussed	Conflict of Interest Disclosures
Councillor Briefing regarding Mildura East Growth Area – Vision & Key Directions 28 March 2022	Cr Liam Wood Cr Ian Arney Cr Stefano De Pieri Cr Mark Eckel Cr Helen Healy Cr Jason Modica Cr Glenn Milne Cr Jodi Reynolds	Martin Hawson Acting Chief Executive Officer Mark Jenkins Acting General Manager Community Mandy Whelan General Manager Development Peter Douglas Strategic Planning Coordinator	1. Mildura East Growth Area	Nil
Council Forum 13 April 2022	Cr Liam Wood Cr Jason Modica Cr Stefano De Pieri Cr Mark Eckel Cr Helen Healy Cr Jodi Reynolds	Martin Hawson Acting Chief Executive Officer Mandy Whelan General Manager Development Chris Parham General Manager Corporate Larni Baird Manager Governance & Performance Kate Henschke Manager Leisure and Cultural Services Ben Piscioneri Media Officer	1. Infrastructure Design Plans and Standards 2. Urban Tree Policy (CP027) 3. Kerbside Glass Community Engagement Plan 4. Waste and Resource Recovery Strategy 2021-2026 5. Public Exhibition of Draft Asset Plan 2022-2031 6. Storm Response - Future Works	Nil
Council Forum 14 April 2022	Cr Liam Wood Cr Jason Modica Cr Stefano De Pieri Cr Mark Eckel Cr Helen Healy Cr Jodi Reynolds	Martin Hawson Acting Chief Executive Officer Mandy Whelan General Manager Development Mark Jenkins Acting General Manager Community Chris Parham General Manager Corporate Larni Baird Manager Governance & Performance Ben Piscioneri Media Officer	1. Briefing to Councillors on the Rate Gate Campaign 2. Mallee Regional Innovation Centre Update 3. Mildura East Growth Area Strategic Framework Plan - Adoption of Vision & Key Directions 4. Sunraysia Mallee Port Link and Murray Darling Rail Project Investigation 5. Australian Alternative Varieties Wine Show - History Book Project 6. Aged Care Reforms - Consultation Update 7. New Councillor Allowances 8. Monthly Management Report	Cr Helen Healy

7 NOTIFICATION OF ABSENCE

8 MAYORAL REPORT

8.1 MAYORAL REPORT MARCH 2022

File Number: 02/01/06

1. Summary

The following is an update on the activities and functions attended by the Mayor Cr Liam Wood during the month of March 2022.

2. Recommendation

That Council note the contents of this report.

3. Comments

- Regional Development Precincts - Roundtable Discussion & Paper Launch
- Mayoral Podcast
- Mayor & A/CEO Catch-ups
- Murray River Group of Council's – Mayoral Meeting
- Meeting with Knox City Council
- CBD Ride-along Media Opportunity with Sunraysia Daily
- Aged & Disability Services Q&A Forum Run-through
- CEO Recruitment Meetings
- An Evening with the Melbourne Symphony Orchestra
- Clean Up Australia Day
- River1467 Weekly Interviews
- Matman Weekly Interviews
- Special Council Briefing - Annual Budget 2022-2023
- Planning Forum
- Mildura Regional Development's Dinner Event with Bruce Munro, Internationally Renowned Light Installation Artist
- Meeting with A/CEO & Luke Wilson, Regional Development Victoria Cross Border Commissioner
- Mayor & A/CEO Media/Comms Briefings
- Ngiwa Yarna Committee Meeting
- Community Information Presentation - International Artists, Bruce Munro - Light/State Information Session
- Audit & Risk Committee Discussion Meeting
- Powerhouse Precinct Welcome to Country & Smoking Ceremony
- Aged & Disability Services Online Q&A Forum
- Planning Discussion
- Council Forum
- Planning Delegated Committee Meeting
- Meet & Greet Opportunity with Wendy Lovell MP Member for Northern Victoria Region & Shadow Treasurer, David Davis MP
- Audit & Risk Committee Meeting
- Meeting with WomenCan Australia

- Discussion regarding BCA Strong Australia Roundtable in Mildura
- Run-through Australian Citizenship Ceremony
- Municipal Association of Victoria – Social Media Online Workshop
- Operational Budget Briefing
- Harmony Day Afternoon Tea
- Australian Citizenship Ceremony
- Mayoral Video
- Budget Road Funding Discussion
- Planning Discussion - Mildura East
- Ordinary Council Meeting
- Murray Region Destination Management Plan Consultation
- AMES Cultural Diversity Celebration
- Mildura Sporting Precinct Media Opportunity with Kevin Sheedy
- Mildura East Briefing Session for Councillors
- Meeting with Merbein Bowling Club
- Discussion with Constituent - Red Cliffs Secondary College Crossing Concerns
- Site Visit & Meeting with Red Cliffs Secondary College Principal - Crossing Concerns

9 COUNCILLOR REPORTS

9.1 COUNCILLOR REPORTS MARCH 2022

File Number: 02/01/06

1. Summary

The following is a report on the activities and functions attended by Councillors during the month of March 2022.

2. Recommendation

That Council note the contents of this report.

3. Comments

Cr Ian Arney

- Refer to table

Cr Stefano De Pieri

- Refer to table

Cr Mark Eckel

- Red Cliffs Centenary Parade Meeting
- Meeting with Local State Member - Tourism Review
- Recreation & Major Events Portfolio Meeting
- Mildura Visitor Information Centre Tour
- Music on the Lawns of the Arts Centre
- St Joseph's College Mildura - Mercy Heritage Centre Blessing
- Chaffey Trail Executive Meeting

Cr Helen Healy

- Ministerial Gender Equality Advisory Committee
- Arts Mildura Board Meeting
- Melbourne Symphony Orchestra Pre-Concert Talk & Concert
- MC for the Community Information Presentation - International Artists, Bruce Munro - Light/State Information Session
- Community Demonstration Farm Project Steering Group
- Briefing – MRCC Gender Equality Action Plan
- Hands Up Mallee EO meeting
- CBD Steering Committee Meeting
- MC for the Mildura Arts Centre Twilight Event
- On Thin Ice Community Panel Discussion
- Community Futures Meeting - Ngiwa Yarna Agenda Item
- Australian Local Government Women's Association Mentoring Program
- AMES Cultural Diversity Celebration
- Constituent Meeting - Family Violence Issues
- Arts Operational Budget 2022/23 Meeting
- CBD Place Activation Meeting

Cr Glenn Milne

- Meeting regarding Flooding Issue in a Lane - Merbein
- Triple M Interviews
- Meeting regarding Road & Property Flooding - Werrimull Road
- CBD Economic Working Group Meeting
- CBD Steering Committee Meeting
- Meeting Regarding Motorsport
- Drag Racing Event
- Mildura Senior College Debutant Ball
- The Salvation Army - Celebration Weekend, 130th Birthday Event
- SummerSalt Music Festival

Cr Cyndi Power

- Refer to table

Cr Jodi Reynolds

- Refer to table

Cr Jason Modica

- Clean Up Australia Day Media Mildura Landfill
- Mildura Art Group Autumn Exhibition & Morning Tea
- Meeting with Council's Manager Governance & Performance
- Mallee Conservation Sanctuary Launch – Lunch & Bus Tour

This table represents attendances by two or more Councillors at the following functions, as advised by Councillor acceptances for such functions:

Function Attended	COUNCILLOR							
	Arney	De Pieri	Eckel	Healy	Milne	Power	Reynolds	Modica
Council Forum	✓	✓	✓	✓			✓	✓
Special Council Briefing - Annual Budget 2022-2023	✓		✓	✓		✓	✓	✓
Ordinary Council Meeting	✓	✓	✓	✓	✓		✓	✓
Planning Forum	✓	✓	✓	✓	✓		✓	✓
Planning Delegated Meeting	✓	✓	✓	✓	✓		✓	✓
CEO Recruitment Meetings	✓	✓	✓	✓	✓	✓	✓	✓
Powerhouse Precinct Welcome to Country & Smoking Ceremony		✓	✓	✓				✓
Aged & Disability Q&A Online Forum	✓		✓	✓	✓			
Harmony Day Afternoon Tea Mildura English Language School			✓	✓				✓
Budget Road Funding Discussion	✓	✓	✓	✓			✓	
2022 Northern Mallee Leaders Program Launch			✓	✓				
Briefing - Mildura East Growth Area, Vision & Key Directions	✓	✓	✓	✓	✓		✓	✓
Meet & Greet Opportunity with MRCC, Wendy Lovell MP Member for Northern Victoria Region & Shadow Treasurer, David Davis MP	✓		✓				✓	
Community Information Presentation			✓	✓				✓

Function Attended	COUNCILLOR							
	Arney	De Pieri	Eckel	Healy	Milne	Power	Reynolds	Modica
- International Artists, Bruce Munro - Light/State Information Session								
Mildura Living Magazine Launch			✓	✓	✓			

Attachments

There are no attachments for this report.

10 RESPONSES TO COUNCILLOR QUESTIONS

10.1 CR IAN ARNEY - ADVOCATING FOR MY MIDWIVES

Record Number: 02/01/01

"I'm just wondering if Council would seriously consider advocating for My Midwives antenatal clinic to open in Mildura. Cindy Power had already done the legwork, and the My Midwives director is keen to open a branch here. The last step is for Council to advocate to the Mildura Base Public Hospital to make it easy for them to open by allowing admitting rights to the My Midwives.

Just for some background information, the only private obstetric care providers here have ceased accepting new patients and are now only accepting new gynaecology patients. My Midwives offers a continuity of care model that does not, or no longer exists in Mildura and I think at the very least, we should be advocating to provide this service. The fact that we no longer have it in Mildura astounds me.

So I'm just wondering if we can step up and advocate please."

This matter was addressed by Mark Jenkins, Acting General Manager Community in a memorandum provided to Councillors dated 13 April 2022.

As explained in the memorandum, there are no services provided locally which support continuity of care throughout the antenatal, labor and postnatal period. Whilst advocating for a private care provider, such as My Midwives, would provide one additional choice (should the advocacy efforts be successful in supporting the establishment of the business locally), advocating for a review of the current obstetric and midwifery care system within the LGA would have greater influence on truly creating choice for women and creating equitable access to different care models.

Advocacy actions Council could undertake include:

- requesting a meeting with the Mildura Base Public Hospital CEO and Community Health and Wellbeing Portfolio Councillor and appropriate Council Officers to raise concerns and seek to understand the hospital's position on the current situation and future action; and
- Council considering their position and influence on regional workforce planning, specifically relating to specialist professions such as midwifery.

Attachments

There are no attachments for this report.

10.2 CR GLENN MILNE - INDOOR PLAY AREAS

Record Number: 16/06/05

“The Caterpillars playground business is closing and there has been a huge amount of social media comment regarding the lack of any indoor play grounds for small children that are affordable. Is there anything that Council can do in regards to indoor play areas?”

This matter was addressed by Mandy Whelan, General Manager Development in a memorandum provided to Councillors dated 31 March 2022.

Indoor play facilities (like Caterpillars) fall under the definition of a “Contained play facility” which is part of the broader amusement rides and devices suite of Australian standards (AS 3533 series). Depending on the type of equipment installed at indoor play centres a number of additional regulations are triggered to build and manage these facilities. The key distinguishing factor between an indoor centre and an outdoor playground is the need for supervision. Australian Standards require that indoor facilities be supervised and the extent and type of supervision is determined based on a risk assessment of the activities or equipment on site.

While it is unfortunate that Caterpillars is closing this is not a function that is within Council's remit. Indoor playgrounds are usually associated with another business or are set up as private play centres providing indoor play equipment for the use of children under 12 years old and their parents and carers.

Playgrounds provided by Councils are not supervised play environments like private indoor playgrounds they are associated with public open space including parks and recreational areas. Council recently adopted the Playground Strategy 2021 to 2026. We have 57 playgrounds across the municipality catering for a range of ages and abilities. There is a focus into the future is on providing as much shade as possible and incorporating more nature play elements.

Attachments

There are no attachments for this report.

11 QUESTIONS FROM COUNCILLORS

12 NOTICES OF MOTION

Nil

13 PETITIONS, JOINT LETTERS AND DEPUTATIONS

Nil

14 MANAGEMENT REPORTS

14.1 SUNRAYSIA MALLEE PORT LINK - COMMUNITY PLAN SUPPORT FUND APPLICATION

File Number: 12/14/17
Officer: Acting General Manager Community

1. Summary

The purpose of this report is to obtain approval from Council for the Community Plan Support Fund (CPSF) Part A (planning funding) submitted by Ouyen Inc. for consultancy of the Sunraysia Mallee Port Link (SMPL).

2. Recommendation

That Council approve the Ouyen Inc. application for Part A Funding through the Community Plan Support Fund of \$48,000 GST exclusive.

3. Background

The Sunraysia Mallee Port Link (SMPL) is an intermodal terminal development initiated by Ouyen Inc, a community group seeking to fill a gap in rail freight services in north west Victoria and to improve road safety, carbon emission reductions, economic returns and employment opportunities related to growing industries in the region.

It was identified by the Department of Transport (DoT) and Rapid Appraisal in 2018, that further analysis would be required to ascertain the viability of the proposed Sunraysia Mallee Port Link.

Ouyen Inc co-ordinated the development of the GHD Advisory Business Case for the Sunraysia Mallee Port Link – April 2021. Mildura Regional Development contributed \$50,000 towards the development of this business case.

This application is seeking funds to undertake the necessary further work including:

- An industry level expert in freight operations and logistics to provide a detailed report that will inform various bodies on next steps to the Sunraysia Mallee Port Link.
- The report will include investigations into the requirements for the reinstatement of the direct freight rail route for trains on the Yelta and Murrayville rail lines to the ports of Melbourne and Geelong, and the construction of the Sunraysia Mallee Port Link within the Mildura Rural City Council (council) LGA.
- A plan that overcomes the two reasons cited by the Victorian Government for not completing the Murray Basin Rail Project (MBRP) in full per the original scope. This will include preparing a solution to separate freight and passenger trains going through Ballarat.
- Undertake a gap analysis of the volume of freight and its location. The analysis will compare Ouyen Inc.'s findings with that used by the Victorian Government in compiling the 2020 Revised MBRP plan. The analysis will cover bulk grain, intermodal and mining logistics. The outcome will show the additional tonnes, truck kilometres, impact on road trauma and carbon emission by not completing the MBRP in full to the original scope.
- Indicative costing to complete the MBRP in full per the original scope.
- Report on the further information and opportunities arising since the completion of the business case for the Sunraysia Mallee Port Link in April 2021.

4. Consultation Proposed/Undertaken

During the development of the GHD Advisory Business Case in 2021 the following groups were consulted:

- Users – commercial in confidence
- Major freight generators and transport companies
- Industry Groups
- Port of Melbourne, Port of Portland, and several shipping lines
- Iluka Resources
- State Government and Department of Transport
- Federal Government
- Victorian Regional Infrastructure Investment – Australian Government Department of Infrastructure, Transport Regional Development & Communication

5. Discussion

Community Plan Support Fund (CPSF) Application

The application submitted by Ouyen Inc. complies with CPSF funding guidelines for Part A funding and the Community Plan Support Funding Policy CP013.

Part A 'Planning Funding' supports communities to plan community projects and can only be accessed when the appropriate research and planning has been undertaken. Funding can be used as leverage to pursue further funding options or to implement Community Plan projects.

How the objectives will be achieved

- Continue taking a lead role in liaising with industry stakeholders including farmers, producers, exporters, miners, road transport operators and ensuring they are represented as a collective when lobbying for the completion of the MBRP.
- Continue liaising with Australian Railway Association, Port of Melbourne, Department of Transport, Freight Victoria, Department of Infrastructure, Transport, Regional Development and Communications, Local, State and Federal Governments, Mildura Regional Development, Rail Freight Alliance, Rail Futures when lobbying for the completion of the MBRP in full and the construction of the Sunraysia Mallee Port Link.
- Continue to research and gather applicable data from various sources and stakeholders and ensure it is presented to Government and the applicable departments.
- Work with the Sunraysia Mallee Port Link anchor tenants to ensure their requirements are being met whilst reaffirming the purpose and objectives of the intermodal facility.
- Look to join the Rail Freight Working Group and at the appropriate time have input in the examination of full standardisation of the Murray Basin Freight Rail Network.

The application is a second request for funding for the planning associated with the SMPL project following the initial \$50,000 support provided by Mildura Regional Development (Council's Economic Development arm) to develop the business case. The Community Plan Support Fund generally focuses on projects contained within Community Plans that have a direct connection with the community, location or place.

The ongoing and complex nature of the SMPL project seeks to address broader issues that go beyond the boundaries of the municipality, such as providing solutions to the yet to be completed Murray Basin Rail Project. Council is not in a position to understand the likelihood of these solutions being accepted by the State Government. This funding application may not satisfy all current and future planning requirements associated the SMPL project.

Given the nature and likelihood of private investment in this project it is clearly an economic development project, however MRD are not able to provide any further funding to this project, thus the application to the Community Plan Support Fund. A request to review the viability of this project by MRD, including an analysis of the barriers, limitations and levels of risk around the achievement of the business case objectives is yet to be received. It remains unclear the level of support for the project by key stakeholders including the Department of Transport, Victorian State Government and Federal Government.

In assessing this application Council has not seen a copy of the full business case.

6. Time Frame

All works will be completed within 12 months of the grant being approved.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Economy

Outcome to be achieved:

- Resilient local businesses that are supported to thrive, contributing to the viability and character of our towns.

Leadership

Outcomes to be achieved:

- Advocate on behalf of the community to address needs and priorities
- Collaborative leadership and partnerships that build capacity and increase opportunities.

This project also relates to the Ouyen Community Plan as follows:

Ouyen Project Action Plan

Objective:

- Intermodal Terminal – Freight Terminal at Ouyen Rail Yards to lower transport costs for local employment, economics, reduced road damage, accidents, and congestion.

Vision:

- Advocacy, innovation and support to grow jobs and attract visitors
- Promote existing commercial

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

Community Plan Support fund Policy CP013

Community Engagement Policy CP020

Legal/Statutory

There are no legal/statutory implications associated with this report.

Financial

The total cost for the consultancy and advocacy will be \$48,000 and is sought through the Community Plan Support Fund (CPSF).

Project Income	\$
Amount requested through CPSF	\$48,000
Total project cost	\$48,000 (ex GST)

The CPSF has funds available through the *Small Towns Development* reserve including the current budget:

Carry forward June 2020-21	+ \$244,531
Current year allocation	+ \$95,000
Less already allocated	- \$80,050
Projects currently being assessed	- \$0.00
This Project	- \$48,000 (ex GST)
TOTAL REMAINING BUDGET	+ \$211,481

Environmental

There are no environmental implications associated with this report.

Social

Social implications of Ouyen Inc. will be positive for the group and Council due to increased community viability, improved employment opportunity and ongoing industry for the community.

Economic

Improving local economic infrastructure will create a more liveable sustainable future for Ouyen and surrounding communities.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Objectives of the Business case are not achieved due to the Murray Basin Rail Project not being completed.	Advocacy to complete the Murray Basin Rail Project.	High
Inappropriate use of Council funding.	Project delivery will be managed by Council Staff	Low

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.2 MILDURA EAST GROWTH AREA STRATEGIC FRAMEWORK - ADOPTION OF VISION & KEY DIRECTIONS REPORT 2021

File Number: 13/03/63
Officer: Acting General Manager Community

1. Summary

Mildura Rural City Council has commissioned the preparation of the Mildura East Growth Area Strategic Framework project which aims at setting a guiding framework for the future development of land to the east of Mildura, between Irymple and Nichols Point.

Progress of this important project to date includes the preparation of the draft *Key Issues Report 2021* and the finalisation and recent public exhibition of the *Vision and Key Directions 2021* draft report (both as attached to this report).

This report recommends the adoption of these documents subject to the changes identified in the *Mildura East Growth Area Framework Plan: Vision & Key Directions – Response to Submissions* (as attached to this report) and this report, which provide recommended responses to the submissions received during the public exhibition period.

2. Recommendation

That Council:

- (i) adopt the recommended responses to each of the submissions received to the draft *Vision and Key Directions 2021* report as contained in the *Mildura East Growth Area Framework Plan: Vision & Key Directions – Response to Submissions* (as presented), the List of Changes to Exhibited Documents (as presented) and this report; and
- (ii) adopt the draft *Key Issues Report 2021* and the draft *Vision and Key Directions 2021* report subject to the changes identified in the *Mildura East Growth Area Framework Plan: Vision & Key Directions – Response to Submissions* (as presented), the List of Changes to Exhibited Documents (as presented) and this report.

3. Background

In June 2021 Council commissioned a qualified and experienced consultant team led by Hansen Partnership and including SGS Economics, E2 Designlab and Trafficworks, to prepare the Mildura East Growth Area Strategic Framework Plan.

Mildura's *Housing and Settlement Strategy* identified a large area to the south-east of Mildura as a 'Growth Area', which extends from Irymple to Nichols Point and from Cowra Avenue to Irymple Avenue, to provide an alternative growth front in conjunction with the main front already established in Mildura South.

The study area is considered as 'indicative', as work to be undertaken will establish the appropriate boundary for the Growth Area and its precincts, but also includes a number of smaller areas at the edge of Mildura, for which no development plan has yet been prepared.

This important project seeks to provide long-term vision and strategic direction for the study area, which will guide future growth of the precinct, including land use, built form, and public spaces and how the area will look.

The framework will provide a clear picture of how the Mildura East Growth Area will develop over time, identifying which parts of the area should develop first, what infrastructure is required to support that development and how the infrastructure may be funded, so that development occurs by the most efficient provision of drainage infrastructure in particular.

Importantly, it will also consider how development in the growth area will relate to both existing communities at Irymple and Nichols Point and to ongoing agricultural production in the area.

The Framework Plan will then update relevant aspects of the *Mildura Planning Scheme*, to ensure Council's decision-making achieves enhanced economic, social and environmental objectives for the future of this important precinct for the next 30 years.

The project is scheduled to be prepared in three stages including:

Stage 1 – Key Issues Report

Stage 2 – Vision & Key Directions Report

Stage 3 – Framework Plan (to be completed once the key directions are confirmed)

The outputs of the project will include:

- The Framework: what will happen where in the precinct, and what areas will develop first;
- A Drainage Plan: to make sure that this key infrastructure is fully integrated; and
- A Development Strategy: will provide guidance around things like developer contributions and management of land use conflicts which might arise.

The first stage of the project included undertaking Round 1 Consultation with workshops and a landowner survey, to gather all the background information looking at what the physical and policy context of the area and identify the key issues the Framework Plan will need to address. The draft *Key Issues Report 2021* was prepared to detail these issues and opportunities.

The consultants then worked with the community and other stakeholders through Round 2 Consultation, with feedback and ideas to develop the Vision and 'key directions' for the precinct, including:

- An overall 'vision' for the precinct;
- Clear guidance on which parts of the study area will (or won't) be developed over time for urban uses and the best 'staging' of any development;
- The urban structure of the area (what should go where); and
- Some 'key directions' about how the area will be planned and developed.

Confirmation of the vision and key directions for the study area is an important and necessary step in enabling completion of the full Mildura East Growth Area Strategic Framework Plan. The *Vision and Key Directions 2021* draft report was accordingly exhibited in Round 3 Consultation to enable comment, ahead being reported to Council for adoption prior to the detailed Framework Plan document being drafted.

4. Consultation Proposed/Undertaken

Community consultation to date has sought feedback and explored issues and opportunities with landowners, residents and visitors, Public Sector Agencies and Local Authorities and others interested in the future planning of the Mildura East Growth Area.

- Due to Covid-19 restrictions, the consultation was undertaken entirely on-line, via telephone or through written interaction, in conjunction with the project page maintained on Council's website and advertising in the Sunraysia Daily and on Council's Have Your Say page.
- Hardcopies of survey forms, progress bulletins and exhibited draft documents were available in key locations including Council offices at Deakin Avenue and Madden Avenue Service Centres and the Mildura Library where open.

Round 1 Consultation - September 2021 (Key Issues)

The purpose of Round 1 consultation was to hear from landowners, residents, or visitors regarding what they considered to be important and valued, along with the key issues and opportunities and including landowner intentions in the study area as follows:

- Letters including a project bulletin and landowner survey (or email where appropriate) to all landowners within the study area (approximately 1058).

The landowner survey was provided as either an alternative or additional response to workshop attendance and was available until 30 September 2021. 71 survey responses (23 hardcopy and 48 via survey monkey) were received, mostly unattributed, which were distilled, themed and collated by the consultant.
- Letters (or email where appropriate) were sent to 97 Planning Industry Professionals and 32 other Public Sector Agencies & Local Authorities.
- Online workshops were offered during September 2021, to key project stakeholder groups as indicated below:
 - *Community workshops* Friday 17 September 2021 (23 attended) and Wednesday 29 September 2021 (7 attended)
 - *Planning Industry Professionals workshop* Friday 17 September 2021 (10 attended)
 - *Public Sector Agency & Local Authorities workshop* Friday 17 September 2021 (9 attended)
 - *Internal Council Officer workshop* 16 September 2021 (15 registered)
 - *Councillor Briefing* 16 September 2021 (6 Councillors attended) along with members of the Executive Leadership Team.
- Written comments from Department of Jobs Precincts and Regions (DJPR) also informed the Round 1 consultation process.

Round 2 Consultation- November 2021 (Visioning)

Round 2 consultation sought further input from all parties seeking to hear from all stakeholders about the future of the study to help inform an overall vision for the study area as follows:

- Letters (or email where appropriate) to all parties including Round 2 Bulletin.
- Online workshops were held, RSVPs received and sessions attended as below:
 - *Community workshop* Thursday 11 November 2021 (22 attendees)
 - *Stakeholder and Industry theme-based workshops* (10-11 November 2021) inclusive of Council staff, Planning Industry Professionals and Public Sector Agencies:
 - Development staging and density (9 registrations)
 - Drainage infrastructure Integrated Water Management (9 registrations)
 - Community needs (schools, parks and shops) (7 registrations)
 - Movement networks (roads, bike tracks and footpaths) (9 registrations)
 - Character & Environment (trees & vegetation, lot sizes, existing towns) (6 registrations)

Round 3 Consultation (Exhibition of Draft Vision & Key Directions)

The draft report was then prepared and formally exhibited for an extended period of six weeks, from Friday 14 January 2022 to Monday 28 February 2022, providing the opportunity for written comment to be submitted.

All landowners and stakeholders were again notified in writing, (by letter or email where appropriate), with three information sessions held for Community, Planning Industry Professionals, Public Sector Agency and Local Authority stakeholders conducted by the consultant, Hansen Partnership on 9 February 2022.

Further consultation rounds will be undertaken during preparation of the detailed Framework Plan in the subsequent, final stage of the project.

5. Discussion

Mildura East Growth Area Strategic Framework

As indicated above, the project is comprised of three components including:

- Stage 1 – Key Issues Report
- Stage 2 – Vision & Key Directions Report
- Stage 3 – Framework Plan

Key Issues Report 2021

A number of issues have been identified and include:

- How to deliver affordable drainage infrastructure - this is often a key cost and a lack of proper staging for development can lead to lands remaining undeveloped in perpetuity or for a substantial time period
- The right housing 'product' - what size lots are provided has an impact on how much land is needed and how many people might live in the area
- The staging and timing of development. Mildura doesn't have a high growth rate and any growth accommodated here means less growth somewhere else. Landowners, investors and authorities need certainty to guide investment decisions
- Timing and certainty - not all land in the area will be needed for urban development over the next 50 years or more, so there needs to be clear direction to support productive use of land which won't be developed for urban uses
- Responding to climate change and urban heat impacts - how to deliver a liveable community when there will be double the amount of days over 40 degrees and urban development increases temperatures
- Providing the right services and facilities for new communities - new schools, parks, footpaths etc., will likely be needed but can be hard to deliver with slow rates of growth.

Draft Vision and Key Directions 2021

The project team has brought together the background analysis, which included work on identifying demand for different types of land and input from a range of different stakeholders to prepare a document called the *Mildura East Growth Area Vision & Key Directions 2021*.

This is an important document as it sets out how the area will evolve over the years, along with some of the things that the Framework Plan will need to do to make sure the 'Vision' is delivered.

While the Framework to be prepared in the next stage of this project will provide direction for the whole of the study area, it is clear, based on the evidence gathered in the early stages, that only a small portion of this land will be needed to support residential development.

The *Vision & Key Directions* draft report divides the study area into three clear 'zones': a growth precinct to the south, a 'larger lot' growth area to the north and a 'green wedge' separating the two.

The report is based on a number of key ideas including:

- A 'Vision' built around a place that is safe, sustainable, connected and child friendly
- Without sufficient demand to develop the whole area, areas which deliver the most community benefit in transitioning to residential development have been identified
- While new areas for residential development have been identified close to Irymple, a 'break' in residential development between Mildura and Irymple has been maintained so Irymple retains a separate identity
- Development of land to the north responds to Nichols Point and the existing character of larger, more heavily vegetated lots
- A new 'green wedge' area, which recognises that, while demand for residential development means that rezoning for housing cannot be supported, the area is not a traditional 'farming area' but instead a more diverse area of activity which could include niche agriculture and tourism uses
- A new network of Canopy Corridors has been identified to provide safe and pleasant connections between settlements, and to contribute to an urban forest
- A new focus on the intersection of Cowra and Cureton Avenue / Fifth Street to resolve movement and deliver a new catalyst parkland / drainage basin / wetland at this highly visible corner, providing an open space asset in an area with a lack of larger parkland
- Local Nodes within each identified 'development cell' focussed on integrated drainage outcomes set within local open space, all connected to a series of new linear open spaces linking existing and future communities and will facilitate social interactions across all parts of the community
- Required non-residential land located where it can support development along Benetook Avenue, address existing land use conflicts and support a sense of transition between Irymple and Mildura. Use of a linear forest to reinforce this transition and
- Reimagining the rail corridor as a key connection linking important destinations.

There is also a final area close to the Mildura Marina which will be addressed in more detail in the next stage of the project.

Submissions

Following the exhibition period of the *Vision and Key Directions 2021* draft report, a total of 29 formal written submissions were received (provided separately to Councillors).

The key issues raised can be summarised simply as:

- Requests for land rezoning
- Framework plan differs from public expectation of some submitters regarding development staging, particularly regarding expected staging along Eleventh Street
- The proposed development staging results in inefficiencies regarding existing infrastructure
- Objections to Green Wedge designation – citing lack of existing environmental and landscape values
- Questioning of appropriateness of industrial land rezoning – concerns regarding traffic impacts upon Cowra Avenue, road appropriateness, proximity of school, inefficiencies of established buffers
- Green corridors are better suited on alternative routes (Fourteenth Street & Cowra Avenue) than proposed
- Lack of strategy for Investigation Area 3 and
- Request for clarification of fine grain boundaries of development cells and Green Wedge.

The issues raised and a response to each are contained in the *Mildura East Growth Area Framework Plan: Vision & Key Directions – Response to Submissions* (attached to this report).

Responses

In response to the submissions received, the issues raised have been assessed and based on the analysis undertaken, recommendations have been provided regarding whether the matters either warrant changes to the exhibited plan or not.

The responses can be summarised very simply as follows:

- Support noted from two submissions regarding proposed development cells
- Issues clarified as requested for two submissions regarding delineation of precincts
- Agreement to revise document in response to four submissions regarding apparent contradictions and lack of certainty in the 'green wedge' detail, relevant Environment Protection Authority (EPA) documents added to draft *Key Issues Report* and reference to the inclusion of the entire Cell B
- No change recommended for eight submissions requesting additional land to be included in development cells
- No change recommended for three submissions requesting change in development cell priority
- No change recommended to eight submissions objecting to proposed light industrial on Cowra Avenue
- No change recommended to eight submissions requesting alternative designation of green corridors on Cowra Avenue
- No change recommended for three submissions objecting to scope and validity of 'green wedge'
- No change recommended for three submissions requesting rezoning within 'Green wedge'
- No change recommended to two Agency submissions outside of scope of study area
- No change required for two submissions regarding study area land next to Marina to be investigated in next project stage.

Lower Murray Water

Lower Murray Water (LMW) requested further time to enable both their full understanding of the proposal and preparation and confirmation of their response. Given the importance to the successful outcome for the entire precinct, Council agreed and offered additional briefings to assist full understanding of the proposal and implications for both the remaining irrigation infrastructure and that to be retired.

Three further briefings were held regarding the proposal with relevant personnel and including members of the LMW board, at which the concerns of LMW were discussed.

A formal submission was received by Council on 14 April 2022. A copy of this submission is included as an attachment to this report.

Issues raised by Lower Murray Water (defined through ongoing discussion with LMW officers as indicated above) have been carefully considered and the proposed response is as follows:

- Lower Murray Water Issues:
 - General concerns of the impact of urban development including:
 - Loss of agricultural landowners who access products and services
 - The need to roll back irrigation and drainage infrastructure in an orderly manner
 - Specific concerns regarding Cell C, D and E with respect to the proximity of new development to the open channel and a preference that these cells are retained as farming.
- Recommended Response:
 - Framework should be seen as contributing to both general issues:
 - Improved certainty for land uses required to support ongoing agricultural uses
 - Development leading to reduction in irrigated land is not sufficient rationale for no development to occur and proposed cells do not preclude an orderly withdrawal.
 - Further work will be undertaken to review the future development of Cells C and D:
 - Careful consideration, including removal from development is needed, given submissions from landowners supporting development
 - Retaining Cell E is considered less problematic, as the cell is an extension of Nichols Point, with existing residential development, notwithstanding the irrigation infrastructure
 - Further work with LMW to work through technical issues based on this approach.

Conclusion

The project has been undertaken on the basis of robust preparation and research, including relevant consultation and thorough analysis to determine key directions for the Mildura East Growth Area. It is considered appropriate therefore, that Council should adopt the recommended responses to each of the submissions as contained in the *Mildura East Growth Area Framework Plan: Vision & Key Directions – Response to Submissions* and as contained in this report.

It is also appropriate that Council should adopt both the draft *Key Issues Report 2021 and the Vision and Key Directions 2021* draft report subject to the changes identified in the *Mildura East Growth Area Framework Plan: Vision & Key Directions – Response to Submissions* and proceed with the preparation of the Stage 3 Framework Plan in line with the recommended directions.

6. Time Frame

Timeline	Event
June 2021	Project commissioned
September 2021	Public Consultation for Round 1 (Survey)
October 2021	Key Issues Report prepared
November 2021	Public Consultation for Round 2 (Visioning workshops)
January – February 2022	Public Exhibition of draft Key Issues Report and the Vision and Key Directions draft report
April 2022 (tentative)	Adoption of Vision and Key Directions Report
May 2022 (tentative)	Project re-commences with preparation of detailed Strategic Framework Plan including further consultation rounds

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Environment

Outcomes to be achieved:

- Protected and enhanced natural environment; and
- Increased community knowledge, skills and action to live sustainably.

Place

Outcomes to be achieved:

- A well-developed long-term land use vision;
- Sustainable infrastructure that meets the current and future community needs; and
- A transport network that is fit-for-purpose.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

Once adopted the draft *Vision & Key Directions 2021* report will underpin the forthcoming *Framework Plan* which in turn will inform future strategic planning and urban design directions for the Mildura East Growth Area.

Legal/Statutory

There are no legal/statutory implications associated with this report.

Financial

All costs associated with the preparation of the project are contained within Council's operating budget.

Environmental

All environmental implications associated with the preparation of the project are contained within the draft *Vision & Key Directions 2021* report.

Social

All social implications associated with the preparation of the project are contained within the draft *Vision & Key Directions 2021* report.

Economic

All economic implications associated with the preparation of the project are contained within the draft *Vision & Key Directions 2021* report.

10. Risk Assessment

By adopting the recommendation Council will be exposed to the following risks:

Risks	Controls	Residual Risk
The recommendations of the draft <i>Vision & Key Directions 2021</i> report may not meet the individual preference of each member of the community which may negatively affect Council's public image.	The recommendations of this report are based on current best practice strategic planning processes, methodology and procedures undertaken by independent experts including sufficient community consultation.	Medium

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [↓](#) Mildura East Growth Area Strategic Framework: Adoption of Vision & Key Directions Report - As Exhibited - Draft Key Issues Report
- 2 [↓](#) Mildura East Growth Area Strategic Framework: Adoption of Vision & Key Directions Report - As Exhibited - Draft Vision and Key Directions Report
- 3 [↓](#) Mildura East Growth Area Strategic Framework: Adoption of Vision & Key Directions Report - Response to Submissions Summary Table - Vision & Key Directions - Final
- 4 [↓](#) Mildura East Growth Area Strategic Framework: Adoption of Vision & Key Directions Report - List of Changes to Exhibited Documents
- 5 [↓](#) Mildura East Growth Area Strategic Framework: Draft Vision & Key Directions Report – Formal submission from Lower Murray Water



KEY ISSUES REPORT

Mildura East Growth Area Strategic Framework

PREPARED BY HANSEN PARTNERSHIP | 2021

INTRODUCTION

Mildura Rural City Council appointed Hansen Partnership to prepare the *Mildura East Growth Area Strategic Framework Plan*. The aims of this project, as outlined in the project brief are as follows:

1. To develop a framework which respond to the following principles:
 - Principle 1: Create diverse and vibrant new urban communities
 - Principle 2: Integrate transport and land use planning
 - Principle 3: Plan for local employment creation
 - Principle 4: Create Growth Corridors with high amenity and character
 - Principle 5: Protect biodiversity, waterways and cultural heritage values
 - Principle 6: Create integrated open space networks
 - Principle 7: Plan for environmental sustainability
 - Principle 8: Stage development to ensure the efficient and orderly provision of infrastructure and services
2. To deliver new development areas which
 - Objective 1: To establish a sense of place and community
 - Objective 2: To create greater housing choice, diversity and affordable places to live
 - Objective 3: To create highly accessible and vibrant activity centres
 - Objective 4: To provide for local employment and business activity
 - Objective 5: To provide better transport choices
 - Objective 6: To respond to climate change and increase environmental sustainability
 - Objective 7: To deliver accessible, integrated and adaptable community infrastructure

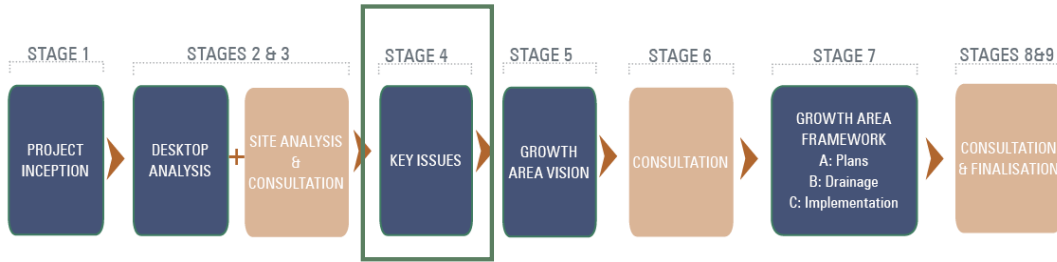


Figure 1: Project process

The project seeks to establish a clear and well-considered framework to guide the staging of rezoning, decisions on planning permit application and investment priorities in this important area, which exerts an influence on, and is influenced by, a number of settlements due to its location (see Figure 2 below where the study area is identified with a yellow / orange hatch).

This project will have a number of stages as outlined in the diagram below. One of the key outputs of this project is a Key Issues Report (this document) which is intended to provide a brief summary of the range of issues which have emerged during background analysis and as a result of feedback through consultation sessions.

Understanding these key issues will not only inform the subsequent drafting of the Vision & Key Directions in the next stage, but also inform an understanding of the steps needed and other work required to deliver any identified vision. These 'implementation' considerations are crucial and will be addressed in Stage 7.



Figure 2: Mildura 'main urban area' (source: MHSS)



KEY ISSUES

LANDOWNER EXPECTATIONS

The Mildura East Growth Area is a very challenging area from a planning perspective. While it is zoned for farming use, it sits in a constrained environment, enclosed by the settlements of Mildura (to the north and west), Nichols Point (to the north-east), Kings Billabong (to the east) and Irymple (to the south). This, in combination with the size of the subdivision pattern, (4ha being very small from a farming perspective) and a long history of lot excisions has led to extensive residential development within the area. While many residents live in the area for lifestyle reasons, there are significant numbers of landowners who are looking to sell their land, to downsize or to fund their retirement. Still other have accepted that their agricultural enterprises are growing too challenging in the area and are looking to relocate elsewhere. There are therefore significant expectations when it comes to landowners and the development of their land for urban purposes, specifically for residential use. Without a clear direction, pressure for development will continue in the area and is likely to lead to ad-hoc and poor planning outcomes. This project is intended to mitigate those outcomes, but does mean there will be some landowners who find that the timeframes for the development of their land is not in keeping with their ambitions, or that their land does not form part of the proposed growth in this area as articulated by any plan for the area. It will be important that the outcomes are clearly communicated and that landowners are able to understand the rationale behind any decisions which may not align with their expectations. This will mean the implication of growth rates, for example, will need to be articulated clearly.

INTEGRATION AND COORDINATION OF LAND USES

One of the other key issues that framework will need to address also relates to the issues identified above - namely the proliferation of existing development and the small size of lots. These two factors, combined with a highly dispersed pattern of land ownership (i.e. most lots are individually owned) means that the coordination of any future development will be challenging and the framework will need to be carefully considered in how it integrates existing residential development with any new growth areas. While the process of preparing a Development Plan for areas as they are rezoned will support more detailed and place specific design outcomes, the framework must provide the key direction for how this occurs.

Importantly, the framework, through its Development Strategy component will need to address the issue of interim uses in areas identified as being subject to future urban development. The MHSS addressed this to a degree through the setting of parameters, but further guidelines is likely to be required as the future of the area becomes clearer. Failure to appropriately manage land in the intervening years can contribute to amenity issues including increased dust from poorly managed land and impacts on the visual amenity of the area, as well as impacting on optimal outcomes for these areas as they develop.

The area also includes some key features which will need to be integrated into planning, including a rail freight line which cuts diagonally through the area. While freight services are infrequent, the line nonetheless serves as a key barrier within the broader area and the framework will need to explore potential ways of integrating this feature. In addition, there is also, in close proximity to existing residential uses, a concrete batching plant. Recent permit approvals and associated investment suggest that this use is likely to remain in the study area in the short to medium term. Good planning practice suggests that further residential development should be avoided in the identified buffer area, although further investigation may be required in this area given that the number of existing residences in this buffer mean actions taken by the plant may already be mitigating many of the anticipated off site amenity impacts.

CHARACTER AND COMMUNITY

In looking to the future of this area, one of the issues which was identified, even through the MHSS, is that the location of the growth area essentially 'in-between' a number of settlements means that great care must be taken to avoid development in this area resulting in settlements with their own unique identities, such as Irymple and Nichols Point being absorbed in Mildura itself. In particular Nichols Point has a distinctly different character, resulting primarily from the settlement's larger lots sizes and greater canopy cover, which must be recognised by the framework. The issue of preserving and maintaining a clear sense of Irymple as a separate settlement is more challenging as a result of the issues outlined in the section below. In addition, despite policy aspiration, a sense of clear distinction has not been achieved along the Fifteenth Street corridor, and the sleeves of residential development along key road corridors connecting to Mildura to the north-west also impacts on any sense of separation. However, recent commercial development and ongoing work, as identified through the recently adopted Structure Plan to develop a community 'heart', are both contributing to a greater 'local' focus for the settlement.

AGRICULTURAL INFRASTRUCTURE AND INVESTMENT

The Mildura East subject site area is very large and includes a significant number of property owners and stakeholders. As a result, there is the potential for development in the area to roll out in a manner that is not conducive to achieving the best outcomes in terms of delivery and ongoing management of infrastructure. As a result of the area being part of the Mildura Older Irrigation Area, there is still significant agricultural infrastructure both drainage and irrigation present in the area. Consideration will need to be given to where and how development occurs so that farmers can have access to required existing irrigation infrastructure, while ensuring that future developments have access to the right urban infrastructure. While some potential exists for landowners in the area to access 'horticultural' rather than 'agricultural' water, this needs to be balanced with the need for ongoing stability and functionality of the operations of Lower Murray Water. For any areas proposed to transition to urban development he staging and program for rolling back agricultural infrastructure will need to be considered alongside the rollout of urban infrastructure given there is limited capacity to transition the existing infrastructure to suit more urban uses.

THE MILDURA / IRYMPLE INTERFACE AREA

Significant feedback has been provided to Council, not just through this project, about the appropriate future development of the Mildura-Irymple Interface area. The current planning framework for this area has a number of 'potential' options identified which has contributed to some sense of uncertainty. The area is very challenging as it requires the balancing of two important planning considerations – the locating of housing in areas with good access to services and facilities, and the retention and protection of a sense of place and separation between settlements.

The reality is that allowing residential development to 'fill the gap' between Mildura and Irymple on the basis of access to services and facilities, is to abandon the concept of Irymple as a separate settlement and to accept its absorption into Mildura, as another 'suburb', such as Mildura South. There is nothing to suggest that this is a future that would be supported by either the community or by Council, indeed the opposite could be said, and therefore a more nuanced consideration of this area is required. The interface area can, in fact, be considered in three distinct sections. First, and perhaps most important is the corridor along Fifteenth Street, where most people 'read' the separation between the two settlements. There is clearly some community concern about recent planning approvals in this area and their erosion of this sense of separation, and there have been no works within the 'public realm' to meaningfully signify any transition between settlements. This is likely to be partly a result of the corridors designation as a major highway, and as such, not subject to council control in terms of works within the road reserve.





Beyond the road corridor, to the south land sites outside the area subject to this study and is generally anticipated to remain as farming land, not being subject to the constraints which apply to land north of the corridor. This area to the north of the corridor is a crowded place (see Figure 3) with significant existing and approved development within the corridor but little sense of clear future direction. Notably, interface management in this area is going to be a significant challenge in the face of practice which seeks explicitly to avoid situations where residential development has an immediate abutment to industrial land uses.

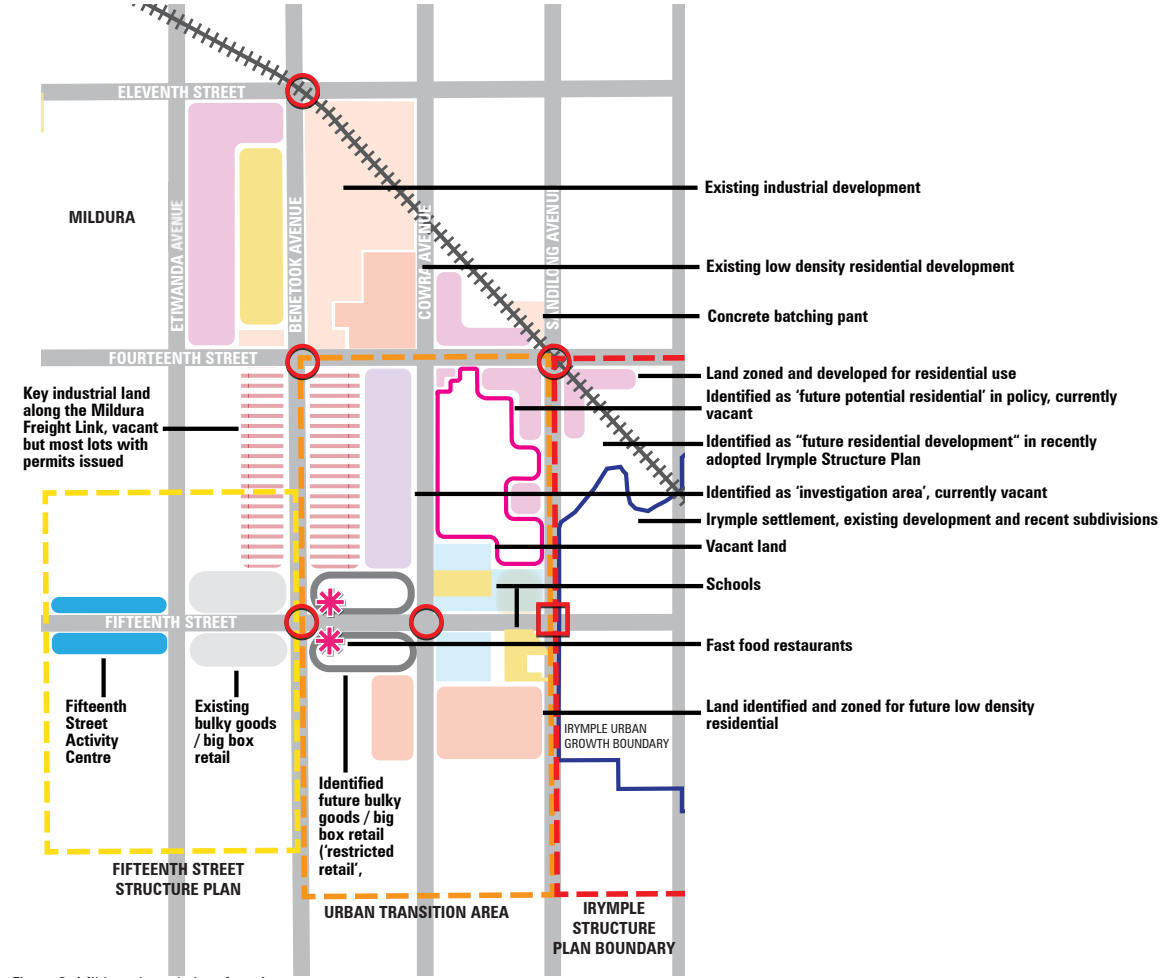


Figure 3: Mildura- Irnyple Interface Area

COORDINATION OF DRAINAGE INFRASTRUCTURE

The existing topography within the study area varies between areas of steep fall to long reaches of flat fall and trapped low points. The undulating contours result in rainfall runoff draining in multiple directions and becoming trapped in various low points, providing a unique challenge for designing future stormwater infrastructure. Gravity drainage will not be viable in areas without large amounts of fill material. Pumping or alternative stormwater interventions may be required. The large flood event of 2011 provided valuable insights into where these areas of pooled water might be – and siting smaller drainage basins in these areas is likely to make a contribution to an effective broader system.

The study area is split across four catchments. The southern catchment drains to existing infrastructure such as the Irymple town retarding basins and the northern to the Etiwanda Wetland, both featuring their own constraints. The Irymple basins outlets are pumps with limited capacity, which will have to be carefully considered when determining the volume of runoff that is to drain to the basins and may need to be upgraded over time as development expands. Similarly, the frequency of inundation and the ability to treat water to best practice will limit the limit runoff volumes draining to the Etiwanda Wetland without any future augmentations, in the form of retention basins. As part of the Nichols Point Development Plan, an additional small wetland is proposed to the north of the settlement, but the catchment that drains to this area is relatively contained. In addition there are a couple of segments of the study area to the east which sit outside all these catchments, and part of the west which drain into the existing Mildura South system

INTEGRATION OF WATER SENSITIVE URBAN DESIGN OUTCOMES

Building upon BPIMG, the Victorian Environment Protection Authority's Urban Stormwater Management Guidance (EPA, 2021) sets out urban stormwater flow volume performance objectives. These include requirements for harvesting / evapotranspiration and infiltration / filtering objectives. But these key outcomes have been developed for statewide application and some further consideration is required when contextualising them to the study area (and indeed to Mildura more broadly). It is recognised that groundwater tables and salinity levels in the area are elevated and that there are active drainage measures in place to divert irrigation leachate away from groundwater to mitigate salinity risks. Furthermore, Flow volumes into Lake Ranfurly and Lake Hawthorn have decreased significantly due to reduced rainfall through the millennium drought (BMT WBM, 2008) as well as through reduced discharges from irrigation drainage (Kate Lumb Consulting Pty Ltd, 2015). Future discussions of these requirements must consider the local context and ensure that they are achieving what they are set out to do (i.e. protect downstream ecosystems). In addition, local rainfall patterns make many of the more 'traditional' approaches to WSUD unfeasible in this area, and the framework will need to look in more detail about what locally specific opportunities could be pursued in the area.

POPULATION CHANGE AND THE IMPACTS OF COVID-19

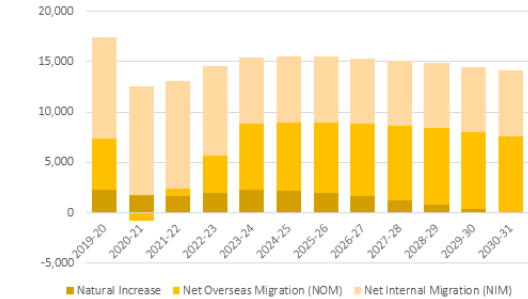
One of the crucial issues the framework needs to consider is the demand for housing – more broadly, and then in the study area specifically. While broad population projections are discussed further below, understanding the likely impact of COVID-19 on these past trends must also be acknowledged and considered. The Federal Government's Centre for Population Research released a population statement with updated projections in December 2020. It does not include LGA level forecasts however it includes a forecast statement that with the collapse in net overseas migration as a result of COVID-19, regional or non-metropolitan Victoria would have 20,600 people less in 2030-31 than had been forecast without COVID-19. The lag impact for regional Victoria in the short term is shown in the figure below, though this also shows an up-tick in growth in 2019-20.

Regional Victoria benefited from the net impact of changes in net internal migration patterns during Melbourne and Victoria's extended lockdown, though apparently more from less people leaving regional Victoria for Melbourne rather than a significant increase in people moving to regional Victoria. According to the Centre for Population Research in their 'Migration between cities and regions – A quick guide to Covid Impacts': 'The largest fall in people moving to Melbourne came from regional Victoria, which had a 13 per cent drop in departures in the six months to September 2020. This drop in departures drove the record largest six monthly net gain of people regional Victoria has experienced (8,600 people).'

Overall, due to the impacts of COVID-19, Australia's population is expected to be 4 per cent smaller in 2030-31 than what was projected before the pandemic, and more skewed towards an older population.



COMPONENTS OF POPULATION GROWTH IN REGIONAL VICTORIA POST COVID



Source: Centre for Population Research, Population Statement: Capital city and Rest-of-State Population Projections, 2019-20 to 2030-31, Commonwealth of Australia 2020, SGS calculations

Further analysis of relative population change between 2019 and 2020 was undertaken to assess the impacts of COVID-19 at a local level. Table 3 compares population change for Irymple SA2 (containing the East Mildura study area), Mildura Town and Mildura LGA, using ABS ERP data and VIF 19 data. This shows the up-tick in growth in the Irymple SA2 in 2019-20 (based on ERP). This up -tick was not present generally across either Mildura Town or the LGA as a whole.

	ABS Estimated Resident Population	VIF 19
Irymple SA2	2.10%	(N/A)
Mildura Town	0.20%	0.72%
Mildura LGA	0.28%	0.64%

Source: ABS and Victoria in Future (VIF) 2019

The extent to which Irymple itself received a specific COVID related development surge, given this didn’t appear elsewhere in Mildura, is difficult to discern. It could be that the surge was more to do with internal migration and change and this being an ‘up and coming area’ (according to real estate agents). There is little from this comparative data, nor the broader consideration of population futures prepared by the Centre for Population, to suggest that Mildura overall is likely to benefit on an ongoing basis from the COVID impacts on regional population change. More likely is that there may be a short term lag on overall growth after which trends will return to something resembling pre-COVID conditions. Irymple and the study area itself may benefit from their intrinsic characteristics implying a shift in the location of growth within Mildura.

DWELLING SCENARIOS

The dwelling scenarios, which will underpin any identification of shorter term rezoning of land, all pivot from the projections prepared for Development Contribution Plans (DCPs) in recent years. These DCPs included detailed analysis of growth anticipated and are subject to independent review as they provide the evidence base for the financial contributions Council seeks from developers. As such, they are necessarily robust. The base case for new dwellings required in the area (outline din more detail in the Background Analysis reports) reflects the DCP projection, but ‘upside’ and ‘optimistic’ scenarios are also shown in the table below. The upside scenario has 50 percent more dwellings than the base case while the optimistic scenario has almost twice the dwellings of the base case, over the 25 year 2021-46 period. Under planning policy, generally only a 15 years supply of zoned land is suggested.

There are 276 dwellings per year projected for Mildura Town in the 2016-36 period in VIF19 (5510 overall). The study area would be contributing roughly 3.2% (base), 4.8% (upside) and 5.8% (optimistic) of the total Mildura Town growth on average on an annual basis in that 20-year period.

DWELLING FORECASTS BY BASE, UPSIDE AND OPTIMISTIC GROWTH SCENARIOS IN STUDY AREA

	2016	2021	2026	2031	2036	2041	2046	Change 2021 – 2036	Change 2021 – 2046
Base case	585	610	661	711	756	793	829	146	219
AAGR		0.85%	1.60%	1.48%	1.25%	0.96%	0.87%	1.44%	1.27%
Upside	585	623	698	774	842	898	951	219	328
AAGR		1.26%	2.32%	2.08%	1.70%	1.28%	1.15%	2.03%	1.71%
Optimistic	585	631	725	818	901	970	1035	270	403
AAGR		1.54%	2.79%	2.45%	1.97%	1.47%	1.31%	2.40%	2.00%

Source: SGS Economics and Planning 2021

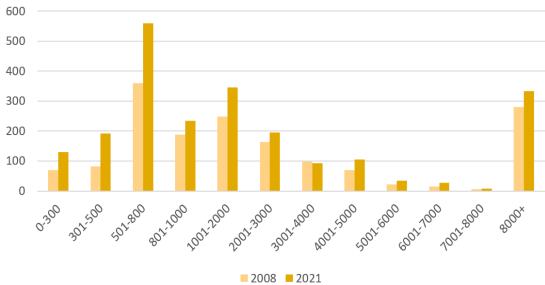
In the view of the teams economists, the base case scenario is still the most plausible, even considering the impacts of COVID on demand. A sustained surge of growth favouring the broader Irymple area would flow into the study area, in which case the 'upside' scenario might be in reach. The optimistic scenario is unlikely. To adopt either the upside or optimistic scenario for planning purposes would require some thought be given to implications for growth fronts and rates elsewhere in Mildura i.e. is this shifting growth internally or is it in addition to growth elsewhere.

DIVERSITY AND DENSITY

The growth identified in the previous discussion, will include housing for a variety of different households such as lone person, couple, and family with children. It is expected that there will be a range of detached dwelling types and lot sizes. Catering to downsizing and/or ageing households may be a focus, requiring more compact and lower maintenance forms of housing than has traditionally been provided. Intuitively these changes 'make sense' with fewer 8000+ sqm lots, as large lots get subdivided to create new house blocks. Some of the increase in other larger lots, particularly say above 4000sqm, like those left which are 8000+ sqm, will be 'residual' lots following subdivision of their 'parent' larger lots.

The number and share of lots 'created' in each of the lot size categories between 2008 and 2021 is shown in the table below. While almost 70% are below 1000 sqm there is a reasonable spread above that, indicating a solid preference for a range of larger lot sizes (notwithstanding that some of these – particularly the larger lots - will be 'residual' lots as mentioned above).

DISTRIBUTION OF LOTS BY SIZE (SQM) 2008 AND 2021



Source: SGS Economics & Planning 2021

The table below shows a potential distribution of demand and 'land take' for each of the scenarios based on the observed share of new lots by size and the effective net densities calculated from the 2008-21 change. It suggests that the land take for the base case could be in the order of 27.8 ha (net) for lots up to 8000sqm, at the range of net densities shown, or 21.9 ha (net) if the average net density was 10 lots/ha. For the lots under 1000 sqm the land take is 8.3 ha for the base case.

CHANGE IN LOTS 2008 TO 2021 IRYMPLE DCP AREA

Lot size	2008	2021	Ch 2008-21	Share (excl 8000+)	
0-300	70	130	60	10.0%	69.2%
301-500	82	191	109	18.2%	
501-800	359	560	201	33.5%	
801-1000	189	234	45	7.5%	20.5%
1001-2000	248	345	97	16.2%	
2001-3000	164	196	32	5.3%	
3001-4000	98	92	-6	-1.0%	10.3%
4001-5000	69	105	36	6.0%	
5001-6000	22	34	12	2.0%	
6001-7000	15	27	12	2.0%	100.0%
7001-8000	6	8	2	0.3%	
8000+	281	334	53	100.0%	100.0%
Total excl 8000+	1322	1922	600		

Source: SGS Economics & Planning 2021





ACCOMMODATING LOCAL EMPLOYMENT NEEDS

The table below shows the 'base case' requirement for employment floorspace, again based on the DCP projections. Very modest net additional floorspace for local shops is projected in the study area for the base case (only 34sqm over 20 years). This reflects the fact that the concentration of shops are in the existing town centres outside the study area, and the proximity of the study area to both the CBD (north section) and Fifteenth Street Activity Centre (south sections). However, local shops combined with more general 'retail' floorspace (5270 sqm) suggests the need for an additional supermarket and associated shops. This may or may not be provided in the actual study area, and may be expansion of other existing facilities. This would depend on future retail planning. It may also be in the form of some smaller 'dispersed' floorspace such as cafes co-located with community hubs or local parks, given that type of uses is included in 'retail' demand.

OT DISTRIBUTION AND LAND TAKE BY STUDY AREA SCENARIO

Lot Size (sqm)	Effective net density (lots/ha)	Share for Planning	Base case (dwellings)	Land take (ha)	Upside scenario (dwellings)	Land take (ha)	Optimistic scenario (dwellings)	Land take (ha)
Up to 1000	18.4	70%	153	8.3	229	12.4	282	15.3
1000-3000	5.3	20%	44	8.3	66	12.4	81	15.3
3000-8000	2	10%	22	11.2	33	16.8	40	20.3
Total	7.8	100%	219	27.8	328	41.6	403	50.9
Total land take at 10/ha				21.9		32.8		40.3

Source: SGS Economics & Planning 2021

Additional industrial floorspace is suggested, though as mentioned above as proposed in the base case sequencing this is concentrated near the border of the Mildura South area to the south-west of the study area.

These estimates, particularly for local shops and retailing (which are dependent on the local population), would be adjusted upwards for the upside and optimistic scenarios if chosen for planning purposes.

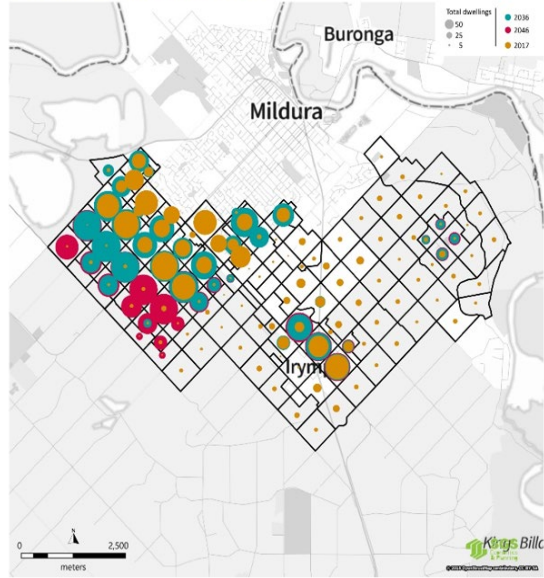
SEQUENCING OF DEVELOPMENT AND BALANCING OF GROWTH

As part of the development of the Development Contribution Plans, work is undertaken to clearly document the sequencing of development broken down into small areas referred to as 'DCP charge areas'. While this sequencing does not form part of the actual Development Contribution Plan, it is an important input as it essentially shows the assumptions that Council has about where infrastructure will be required to be delivered and when. This helps Council in understanding where they will need to invest the funds they have collected from developers, alongside their own money to make sure the required infrastructure is developed to support growth.

While the assumed sequencing shown here for the base case can be factored into the structure planning for East Mildura, it is likely to need to be adjusted depending on assumptions regarding the density of development and infrastructure considerations. Alternatively, adjustments to the sequencing, including perhaps reflecting the upside and optimistic scenarios, may need to be identified to meet adjusted and updated planning and infrastructure delivery objectives.

Importantly however, sequencing of development in the broader Mildura Town (the 'main urban area') will be affected by the proposed Mildura East Growth Area. Additional development in the study area may shift concentrations of growth away from other growth areas. This process needs to be very carefully managed to ensure that identification of new areas for growth does not undermine Councils investment in infrastructure in other area. The current assumption shown in the figure below will need to be tested and may potentially need to be adjusted as the Development Strategy (implementation) of the framework plan is progressed.

RESIDENTIAL DEMAND FORECAST, 2018 - 2046



Source: SGS Economics & Planning 2021

ELEVENTH STREET CONGESTION AND TRAFFIC MANAGEMENT

While it is fair to say that traffic is not a major issues in the area, as it is for some other places, nonetheless ensuring appropriate traffic management outcomes are integrated into the framework plan will be required. Best Practice these days seeks to recognise that roads perform a range of different functions, with some road focussed on facilitating vehicle movement, but others preforming a range of functions with a much greater emphasis on pedestrian amenity etc (for example) a road within a town centre). This is reflected in the adoption by the Department of Transport of the 'Movement and Place' framework. While the plan will certainly look to that framework, it is unlikely given the characteristics of the study area, to have direct or widespread application. There are a number of areas which will be explored further in relation to traffic management though, including:

- Congestion of Eleventh Street and opportunities to reduce or divert this traffic.
- Management of rail line crossing points if development intensifies in these areas.
- Any key parameters for localised access and road arrangement or connections between different 'development cells' or precincts which may be identified.
- Key intersections such as Benetook Avenue / Eleventh Street and Cowra Avenue / Fifth Street will also be investigated.

INFRASTRUCTURE FUNDING AND DELIVERY

As outlined above in relation to the sequencing of growth, the delivery of infrastructure is generally undertaken as partnership between Councils and developers. This generally taken the form of developers providing 'local' infrastructure, but also making a financial contribution to Council so the council can take on the delivery of bigger infrastructure projects which have a benefit across a much wider area – essentially coordinating the delivery of this infrastructure as well as making their own financial contribution. Given there are public funds involved in the delivery of this infrastructure, it is important that it provide in a way which delivers 'net community benefit'. This means the investment in infrastructure should benefit the whole community rather than just a single landowner or developer. In addition, the framework plan will need to think about what other infrastructure may be required in these areas (for example, might electric vehicle charging station be required) and how those may need to be integrated or funded. The rate of development in Mildura, which means that funds for infrastructure flow more slowly from development contributions, can create 'funding holes' for council. It will be important for the framework to therefore identify other funding streams that might be available for works in the area, considering things like active transport / health and wellbeing / climate resilience and adaptation etc, all of which may offer opportunities for Council to source funding to deliver components of any vision for the area.



EMISSIONS REDUCTION (GAS, TRANSPORT, ENERGY EFFICIENCY)

Mildura rural Council is one of many Councils across the State, and indeed globally, who have declared a climate emergency. This declaration recognises that scientific evidence clearly requires that we change the way we do things, including planning, to contribute to steep cuts in greenhouse gas emissions, and transition to zero emissions by 2050, if not sooner. This transition is in line with the State government target of net zero emission by 2050 embedded in Victoria's Climate Change Act 2017. While much of the 'planning' steps required to deliver net zero communities will happen at the smaller scale (for example through the Development Plans, nonetheless the framework has the potential to identify some key steps and set in place requirement for the Development Plans which will support these outcomes. Importantly, it can also suggest outcomes such as avoiding connections to gas for new communities and look to integrate existing work such as the Sustainable Subdivisions Framework, currently being trialled by Mildura Council, alongside many others.

CLIMATE CHANGE AND URBAN HEAT

One of the critical issues that must be addressed through this framework plan is how to ensure that development in this area remain 'liveable' in the coming decades. Mildura is already subject to reasonably extreme weather, being one of the hottest places in Victoria. Under climate change scenarios the region is likely to experience twice as many days above 40 degrees. This is very significant and will have major impact on the health and wellbeing of the community unless adaptation measures are factored into not only new development, but also existing development. The 'tools' for responding to heat, and in particular, to counter the 'urban heat island effect', where this heat is exacerbated by urban development are well known. These include, significantly increasing the amount of vegetation, and in particular canopy vegetation (i.e. trees which cast shade), incorporating water into the landscape and choosing material which have a high 'solar reflectance index' – meaning they reflect rather than absorb heat (i.e. lighter colours rather than darker colours). Using permeable materials which allow water to seep into the soil rather than running off is also important. All these measures will need to be explored through the framework plan, and appropriate measures identified either through the framework plan or as items to be addressed by the next level down of planning. Importantly, consideration will also need to be given to how subdivision and the housing itself is delivered to ensure that new residents (particularly older residents) are not exposed unnecessarily to higher temperature, or face unsustainable financial costs to run mechanical cooling systems. This might mean consideration of localised energy systems or neighbourhood battery storage to provide cheap and secure power to new residents.

SCHOOLS AND OPEN SPACES

With new residents in any area, there is generally a need for new services and facilities to go along with this growth. Within this area, capacity issues at both public primary schools (Nichols Point and Irymple) in the area have been identified. Delivery of new schools is based on catchment numbers of students and catchment areas are adjusted periodically. It is understood that the Department of Education has acknowledged the need for an additional school in the 'stage two' development of Mildura South. While it is unlikely a new school would be developed in the area, this must be confirmed once the rate of development and the areas where growth is expected have been finalised. These future growth expectations will need to be communicated to the department to inform their future planning. A need for other services such as maternal child health services etc were also identified. While the preference is for these services to be co-located with primary schools, where there are existing constraints to that occurring, it may be necessary to identify preferred locations for any additional services. Similarly, there may be a need for other community facilities, which often assist in providing a 'focal' point for new neighbourhoods, and can be co-located with other facilities such as local parks and playgrounds to support sustainable urban development. Anecdotal evidence also suggested that local 'active recreation' facilities were also at capacity and therefore that any new development may need to also consider new facilities such as ovals. This type of infrastructure is best identified as part of a broader recreation or open space strategy which considers all the facilities available across a much broader area, but there may be benefit in identifying a preferred location should a new facility be required, as well as looking at the links for new and existing communities to those existing facilities.

NEW ACTIVITY CENTRES

Often in planning growth areas, there is an 'activity centre' identified which is the preferred location of various non-residential uses, including shops, cafes, community uses etc. Locating all these together lets people access these facilities and services in a sustainable manner, combining trips and support community development through bringing everyone together and encouraging informal social interaction. However, the suitability of establishing an activity centre is dependent on the need for a sufficient quantum of retail floorspace to justify this, and the figures generated as part of the background work suggest that a new activity centre within this area would not be viable. The framework will therefore need to look at how to deliver safe and attractive connections for new development areas to existing services and facilities, ideally promoting active transport choices. It will also need to consider how those informal social interactions which are generated by an activity centre might be provided as the area develops so that neighbourhood connectivity is fostered.

PEDESTRIAN, CYCLE AND PUBLIC TRANSPORT INFRASTRUCTURE

Safe and attractive pedestrian linkages through the area were one of the key issues identified through consultation, in particular in accessing schools. There is very little existing infrastructure in the area, despite it 'connecting' a number of different settlements. While Koorlong Avenue, Eleventh Street and Fourteenth Street have been identified as priority on-road cycle routes, how this plays out and connects to other infrastructure, and the form this 'on-road' path takes will be important to consider. Connections along Fifth Avenue, linking the CBD to Kings Billabong via Nichols Point have also been flagged by the community as an important consideration through previous projects and will need to inform consideration. It will be important as well, given the 'rural' feel of the area has been identified as an important part of the areas character, to consider 'how' these connections can be provided in a way which respects that character. Looking at integrated outcomes that think about climate resilience, biodiversity, integrated water management and visual amenity alongside the functional requirements to support active transport will also support better outcomes for the area. Understanding where future growth will occur may also provide an impetus for improved public transport within this area, providing greater connections for existing communities as well as embedding sustainable transport use in new communities. Understanding likely bus routes is important in ensuring that directions around key road configurations support the particular needs of bus operators.

REINTRODUCING BIODIVERSITY

The area has very little remaining of its existing biodiversity values, being a highly modified landscape as a result of its agricultural history. As the area changes and develops over time, there is the potential for the vision for the area to also consider opportunities for the area to actually restore some of the lost biodiversity values. The use of indigenous plant species is not only beneficial in that they are adapted to the context and climate, but also provide a strong link to a sense of place which has been missing in some of the areas recent development areas. Considering opportunities to reintroduce biodiversity can also reflect local Aboriginal values and enhanced opportunities for greater awareness of culture, as well as provide increased opportunities for tourism. Tourism opportunities may also be supported by considering links through the area to the Murray River corridor, and / or the creation of habitat corridors.





VISION AND KEY DIRECTIONS

Mildura East Growth Area Strategic Framework

PREPARED BY HANSEN PARTNERSHIP | 2021

INTRODUCTION

Hansen Partnership has been engaged by the Rural City of Mildura to prepare a strategic framework for the future growth and development of the land identified as the Mildura East Growth Area (MEGA). Additional specialist expertise has been provided by SGS Economics and Planning and E2Designlab.

This is the third in a series of reports which have been prepared to help shape the future of this area.

The contents of this document have been informed by a wide range of influences, including background analysis and engagement with both key stakeholders and the community. Figure 1 below identifies where we are in this process.

This document is not the Framework Plan, but seeks to articulate some of the key aspects that will be incorporated into that document for the purposes of testing these with the community and key stakeholders.

WHAT IS THE MILDURA EAST GROWTH AREA?

The Mildura East Growth Area relates to 1,050 hectares of land to the southeast of the settled extent of Mildura, encompassing the land between Mildura and the townships of Irymple and Nichols Point (see Figure 3 overleaf).

While nominally a ‘farming area’ as a result of its primary zoning, the land contained within the growth area is more accurately described as having a rural-residential settlement pattern, with denser development on subdivided lots along the key corridors of Eleventh Street and Fourteenth Street. While a substantial proportion of the land remains under vine, anecdotal evidence suggests only a small proportion of the vines in the area are part of larger scale farming ventures. This is unsurprising given the issues that larger scale agricultural producers face in areas which contain significant densities of residential development, and the underlying subdivision pattern of the area.

The *Mildura Housing and Settlement Strategy* (MHSS, 2014), which has informed the Mildura Planning Scheme, identified that there was a need for the future of this area to be resolved. It also identified that there may be benefit more broadly, of considering a second development 'growth' front to support a diversity of development, considering the wider 'main urban area' as shown in Figure 2. This recognises that the MEGA does not operate in isolation but sits within a cluster of settlements, which must all be considered in determining the future of this area.

It is noted that the project is also providing guidance in relation to a separate parcel of land close to the Mildura Marina, but that land is not subject to this Vision & Key Directions report. The area requires further work to bring to the same baseline footing of understanding as MEGA and as the areas are not contingent, this will accordingly emerge later in the project.

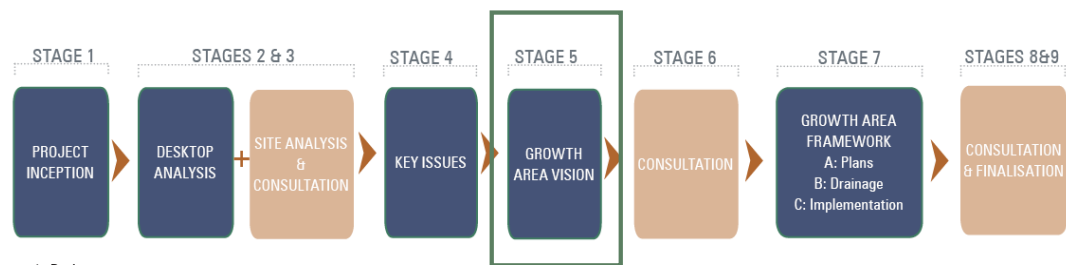


Figure 1: Project process



Figure 2: Mildura 'main urban area' (source: MHSS)



WHY IS A FRAMEWORK NEEDED?

As a result of the issues identified above and in the Key Directions Report, the area has been subject to considerable development pressure over time and the development of a Framework Plan for the area can achieve a number of important outcomes, including:

- It will **provide clarity to landowners** within the area as to the potential timeframes for any development in the area. While this may not align with the ambitions of all landowners, it will nonetheless allow them to make their own plans with a greater understanding of what will occur in the area.
- It will **support those who do wish to pursue ongoing agricultural production** in the area in understanding where residential development is likely to occur and over what time periods, as well as infrastructure providers such as Lower Murray Water.
- It will ensure that the location and staging of development **aligns with where drainage infrastructure can be provided** in an effective and affordable manner, mitigating some barriers to development.
- It will provide a clear picture of land use and activity in the area, and **allow for the early planning of services, facilities and linkages** to ensure a well serviced and connected community in the future.
- Importantly, it will look to provide some clear guidance around how the area can develop in a more sustainable manner, particularly setting in place 'key moves' designed to **increase the amount of canopy vegetation** in the area in advance of new development, increasing climate resilience.
- It can **provide some resolution to areas which have been subject to ongoing contention**, such as the Mildura lymphe 'interface area'.

PURPOSE OF THE VISION AND KEY DIRECTIONS REPORT

Establishing an overarching 'Vision' for the forthcoming Framework Plan, through consultation and discussion with key stakeholders, as well as analysis and understanding of best practice planning outcomes, is an important first in the planning process.

By hearing from stakeholders, and considering how their aspirations for the area can be aligned with the 'facts' established through background analysis a level of robustness can be established. Articulating key ideas in a document is also critical in allowing key stakeholders and the community to understand and appreciate not only the 'vision', but also the 'key directions' proposed to deliver that vision, as well as the rationale behind both of those.

This is particularly important in the context of the Mildura East area, where a large area was identified for 'investigation', only a small portion of which will see development over the coming decades. Ensuring that the areas identified for growth are the ones which provide the greatest overall benefit to the broader community and to future residents, prior to fully documenting the Framework Plan makes sure the project is heading in the right direction. Exhibiting this document for public and stakeholder feedback allows everyone time to review and digest the proposed approach to development in the area, and let the project team know their thoughts so any issues can be addressed..

The key directions put forward in this document will provide an overview of the principal objectives and guidance for how the framework will respond to the range of influences documented in the Key Issues Report which preceded it (and is also exhibited).

WHAT'S IN THE VISION AND KEY DIRECTIONS REPORT?

This document is broken into two key sections.

The first section outlines the feedback received from the community and other stakeholders on what the vision might look like for the area. From that feedback a draft 'Vision' has been identified for testing. The second part of the document is framed around five key 'themes, as follows:

- Development and Drainage
- Landscape and Environment
- Movement
- Activity and Interfaces
- Society and Culture

Each of these themes contains a brief introduction, and a series of key objectives. How these key objectives will be delivered is then expressed through a number of 'key directions' which are also shown spatially on an accompanying plan.

Importantly, the document also identifies under each theme 'What will the Framework Plan need to do?' This section identifies the additional details or investigations that will be needed as the three final documents (the Framework Plan, Drainage Plan and Implementation Plan) are progressed. These are all important considerations the project team is aware of and which will need to be resolved to effectively deliver on the identified key directions.



Figure 3: Mildura East Growth Area Study Area



Mildura East Growth
Area Strategic
Framework Plan
Aerial Map`

- Legend
- Study Area
 - Main road
 - Local road



Project Ref: xxxxxx
Dwg No.: UDD-001
Scale: 20,000 @A3
Date: 00.00.00
Revision: A

hansen partnership pty ltd
melbourne | vietnam
level 4/136 exhibition st
melbourne vic 3000
t 61 3 9554 8944 f 61 3 9554 8088
e info@hansenpartnership.com.au
w www.hansenpartnership.com.au

NICHOLS POINT

While Nichols Point is nominally within the Study Area, it is noted that a separate Development Plan has recently been prepared and adopted by Council for the settlement and its surrounding area. This Development Plan is replicated at Figure 6. Development around the existing town center is anticipated to be on lots of around 1800sqm, reflecting the existing character of the settlement and drainage infrastructure has been sized accordingly.

While there was feedback received in relation to some more specific matters pertaining to Nichols Point, as an adopted council plan which has been subject to its own consultation processes, the Vision in this document for Nichols Point merely reflects that established through that document and more local matters can (such as the future of the old school site), and should be, addressed through more locally specific documents, such as the Nichols Point Community Plan.

The lots which will be available for development as a result of the adoption of the Development Plan (which allows subdivision applications to be lodged with Council) has been taken into account as part of the calculations on demand for dwellings in this area (see teh MEGA Background Analysis reports).

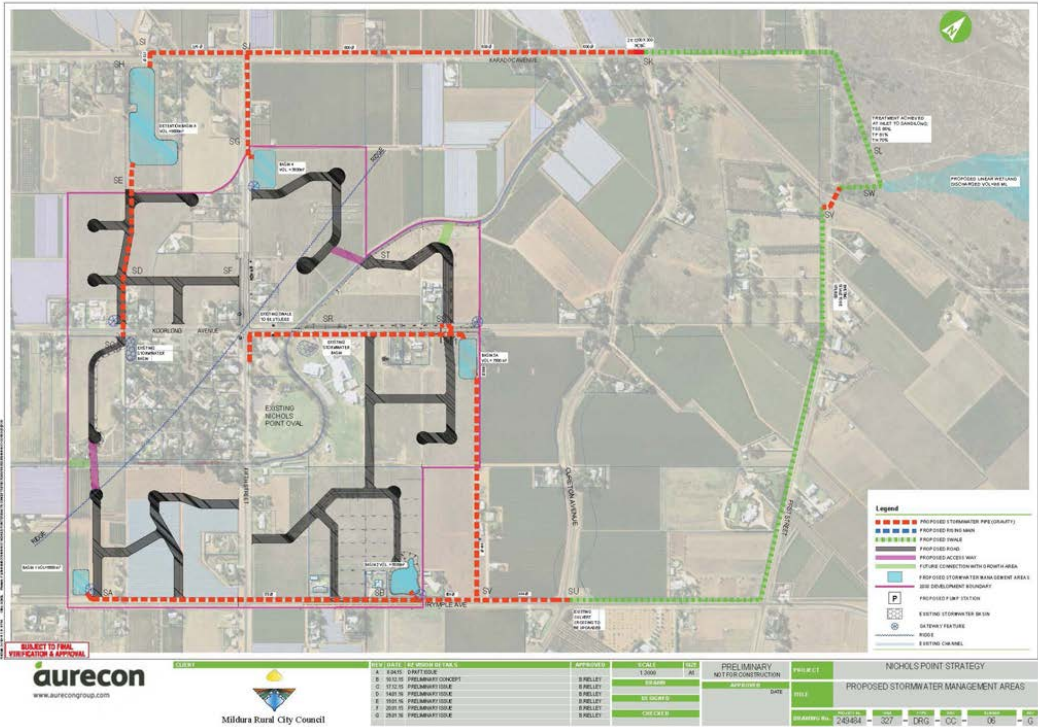
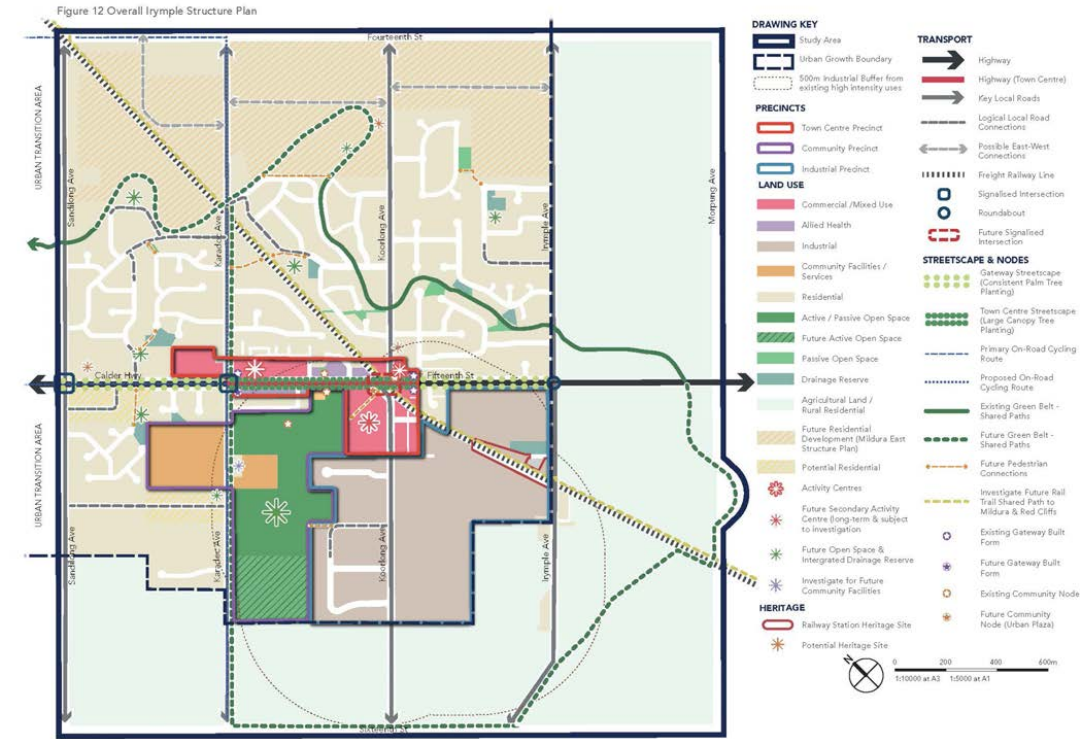


Figure 6: Nichols Point Development Plan (2021)



39 Irymple Structure Plan and Urban Design Framework 2021-2036
Figure 7: Irymple Structure Plan (2021)

IRYMPLE

A separate project has recently seen the completion and adoption of an updated Structure Plan for Irymple. This project established a new 'vision' for that township and outlined a number of relevant strategies which this document has had regard to.

The Plan considered the need for additional residential land within Irymple and concluded that, with the proposed rezoning of two 4ha lots within the existing settlement boundary, there was enough land to provide for at least 15 years supply of land for that settlement.

While there was no expansion of the existing Urban Growth Boundary identified a number of areas to the north of the UBG were shown on plans as *"future residential development"*.

There were also a number of other matters such as the location of local open spaces identified through that Plan which are considered.

THE VISION

Community consultation has heavily shaped the Vision outlined in this document, and the Key Directions contained within this document, and which will guide the development of the Growth Area, have been drafted accordingly.

A number of rounds of consultation have been undertaken and ideas have been proposed through all sessions - none of these ideas have gone to waste, and many of them are reflected in the content of this document. However, the second phase of consultation, held at the commencement of the Vision & Key Directions phase, did seek to engage directly with the community and other key stakeholders in drawing out specific aspirations for development in the area.

PRINCIPLES

- Create diverse and vibrant new urban communities
- Integrate transport and land use planning
- Plan for local employment creation
- Create growth corridors with high amenity and character
- Protect biodiversity, waterways and cultural heritage values
- Create open space networks
- Plan for environmental sustainability
- Stage development to ensure the efficient and orderly provision of infrastructure and services

The feedback was received through the sessions undertaken over the course of two days (10 and 11 November 2021) and with a number of groups. Importantly, these inputs have also been balanced with the important components needed to deliver on the key principles which underpin this project, outlined in the project brief and included here in the highlight box.

Aspirations for the future of the Growth Area centered on developing an area that is accessible and connected, promoting safe and active transport, is embedded in notions of integration with the natural environment and is resilient in response to a changing climate.



Figure 8: Community visioning session - wordcloud

VISION STATEMENT

The Mildura East Growth Area will provide an alternative outlet for growth in Mildura's 'main urban area', ensuring that development responds to known barriers in a manner which promotes orderly development. This orderly development will support the provision of integrated and affordable delivery of infrastructure within the growth area.

Development in the precinct will improve connections between the three settlements of Mildura, Irymple and Nichols Point, and out to Kings Billabong while retaining the unique identities of each township and responding to existing patterns of development. Connections to these settlements from the growth area will be targeted to provide easy access to existing higher order activity centres for new residents.

The heart of the precinct will be retained as a non-urban 'green wedge' surrounded by a series of interconnected villages, which deliver a range of accommodation opportunities in areas with great access to services and facilities. Mildura's 'green wedge' will become a focus for tourism, niche agriculture, hobby farms and projects which enhance the areas biodiversity.

Development within the Mildura East Growth Area will respond to the pressures of a changing climate in a region of extreme weather, supporting the resilience of existing and new communities and delivering a 'different' style of development, and a renewed focus on increasing canopy vegetation as part of a broader urban forest.

This focus on vegetation will see the early delivery of a series of Canopy Corridors through the precinct as well as the slow evolution of a Green Web across the proposed development cells, connecting a series of Local Nodes. These Local Nodes will be focussed on integrated drainage outcomes set within local open space, all connected to a series of new linear open spaces which reflect the areas agricultural history through retained irrigation channels. The nodes, and the connections between them, will link existing and future communities and facilitate social interactions across all parts of the community.

The area's aboriginal history and broader landscape characteristics will be celebrated through public realm works within the precinct, with the areas unique mallee vegetation reinforcing a sense of place and connection to the broader landscape .



DEVELOPMENT & DRAINAGE FRAMEWORK

Understanding the evidence behind required land supply in Mildura East is crucial to framing the development of the Framework Plan. While there are very modest requirements for additional land, understanding the sequencing of development is fundamental to ensuring the development of a healthy urban environment. Also critical is the alignment of this development with drainage, given the barrier the delivery of timely and affordable drainage infrastructure creates in Mildura's growth areas. Also notable in considering development and drainage is the need for a diversity of housing type, which was communicated clearly through engagement stages, reflected in the evidence base, and is consistent with the findings of the *Mildura Housing and Settlement Strategy*.

Development and drainage are closely interlinked. Drainage infrastructure is required to enable development to occur and this needs to occur in an orderly manner so that new development areas can link into existing drainage and urban areas. At the same time, there needs to be a sufficient level of development within each catchment to justify the drainage infrastructure required. There is also a need to provide flexibility, allowing development to occur within different areas and to accommodate the varying intentions, needs and timing of different landholders.

OBJECTIVES

- To ensure the development of the area occurs in an orderly fashion based on evidence based demand.
- To recognise and respond to the fragmentation of land and potential barriers to on-the-ground development.
- To support a diversity of development types.
- To support consolidated expansion of existing settlement areas rather than dispersed development.
- To deliver effective and affordable drainage assets.
- To optimise opportunities to manage existing and future water needs.
- To support healthy and valued waterways and WSUD assets and to improve resilience against extreme weather events.

KEY DIRECTIONS

- 1 Deliver a "supply buffer"** beyond the required 15 year requirement through consideration of the 'upside' growth scenario (see Highlight Box on Page 13) and barriers created by lot fragmentation.
- 2 Only rezone land within the Mildura East Growth Area beyond the initial stages identified where there is a demonstrated demand. **Staging should be fixed** but the **timing of any rezoning** of the identified 'development cells' will be **contingent on demonstrated demand**.**
- 3 Align the extent of development cells with catchment boundaries** to facilitate affordable and orderly delivery of drainage infrastructure
- 4 Support the development of a new major piece of drainage infrastructure at the intersection of Cowra Avenue and Cureton** and explore opportunities to integrate with a new parkland at this key and highly visible junction.
- 5 Maximise use of new drainage infrastructure proposed** through other projects in Irymple (south of Henderson Reserve) and a new wetland to the north of Nichols Point in preference to the development of other major new drainage infrastructure.
- 6 Recognise the need, due to the relatively flat topography of a series of smaller drainage basins** within development cells and seek to integrate these with open space and active transport networks to form a 'green web' through new development areas





- 7 **Respect and support existing infrastructure** essential for existing and ongoing farming operations including irrigation and drainage channels.
- 8 **Provide a mix of lot sizes** to accommodate diverse housing preferences reflecting current patterns of demand with approximately a 70/30 split between conventional and larger 'lifestyle' lot development.

WHAT DOES THE FRAMEWORK PLAN NEED TO DO?

- Develop a clear set of criteria for how 'demand' in the MEGA will be calculated and assessed to underpin future rezoning decisions & establish process for monitoring supply of land which recognises the different markets for larger lots.
- Identify a clear set of 'content' to ensure that Development Plans within the different parts of MEGA are prepared in a consistent manner.
- Assess findings to date from piloting of the Sustainable Subdivisions Framework to ensure integration of local issues with the higher level Framework Plan.
- Once sequencing, land requirements and densities have been confirmed through this exhibition period, the Framework Plan will need to identify implications for the proposed infrastructure and its roll-out considering the assumptions in the relevant DCP, including future changes to planning for infrastructure.
- Explore levers to encourage consolidation of lots and support orderly development, including potential funding sources for catalytic infrastructure.

WHAT ELSE?

Table 1 details the characteristic of the 'development cells' being considered as part of this project. As is clear from the capacity inherent in these cells when compared to the demand outlined on the following pages, only a few of these cells are likely to be developed in the period to 2046. These cells are:

- CELL A, north of Cowra Avenue which has been rezoned for general residential and CELL F, also rezoned and subject to the Nichols Point Development Plan.
- CELL G, which would provide for identified non-residential demand.
- CELL P, which would provide a generous buffer of conventional residential land, building on recent development demand. This lot also contains an existing already zoned linear open space reserve.
- CELL B, which would provide a larger lot and alternative development front adjacent to existing zoned land. This cell also accommodates catalytic drainage infrastructure important to the broader area.

DEVELOPMENT CELL	TOTAL AREA	EXISTING LOTS	AVAILABLE LAND
A (Conventional)	29.12	1.18	27.94
B (Larger lot)	53.69	8.48	45.21
C	35.73	3.22	32.51
D	34.68	3.43	31.25
E	25.51	4.05	21.46
F	70.12	7.08	63.04
G (Light industrial)	23.77	0.49	23.28
H	14.8	1.15	13.65
I	18.37	3.02	12.35
J	27.51	10.77	16.74
K	29.63	0.89	28.74
L	28.28	1.71	26.57
M	18.71	5.25	13.48
N	18.06	3.61	14.44
O	40.49	3.32	37.17
P	30.13	3.82	26.32
Q	24.92	2.19	22.73

Table 1: Development cell capacity

REZONING REQUESTS

Requests for rezoning have been received for a number of parcels within the Study Area. Requests for rezoning are not being considered by the project at this stage. Those requests will be considered once the agreed staging of development has been finalised.

It is noted however, that rezoning has been requested across a broad range of locations within the Study Area, and indeed, outside the Study Area. It is therefore highly likely that many of these requests are unlikely to be supported on the basis of orderly planning principles, even if rezoning is identified as an outcome of this project.

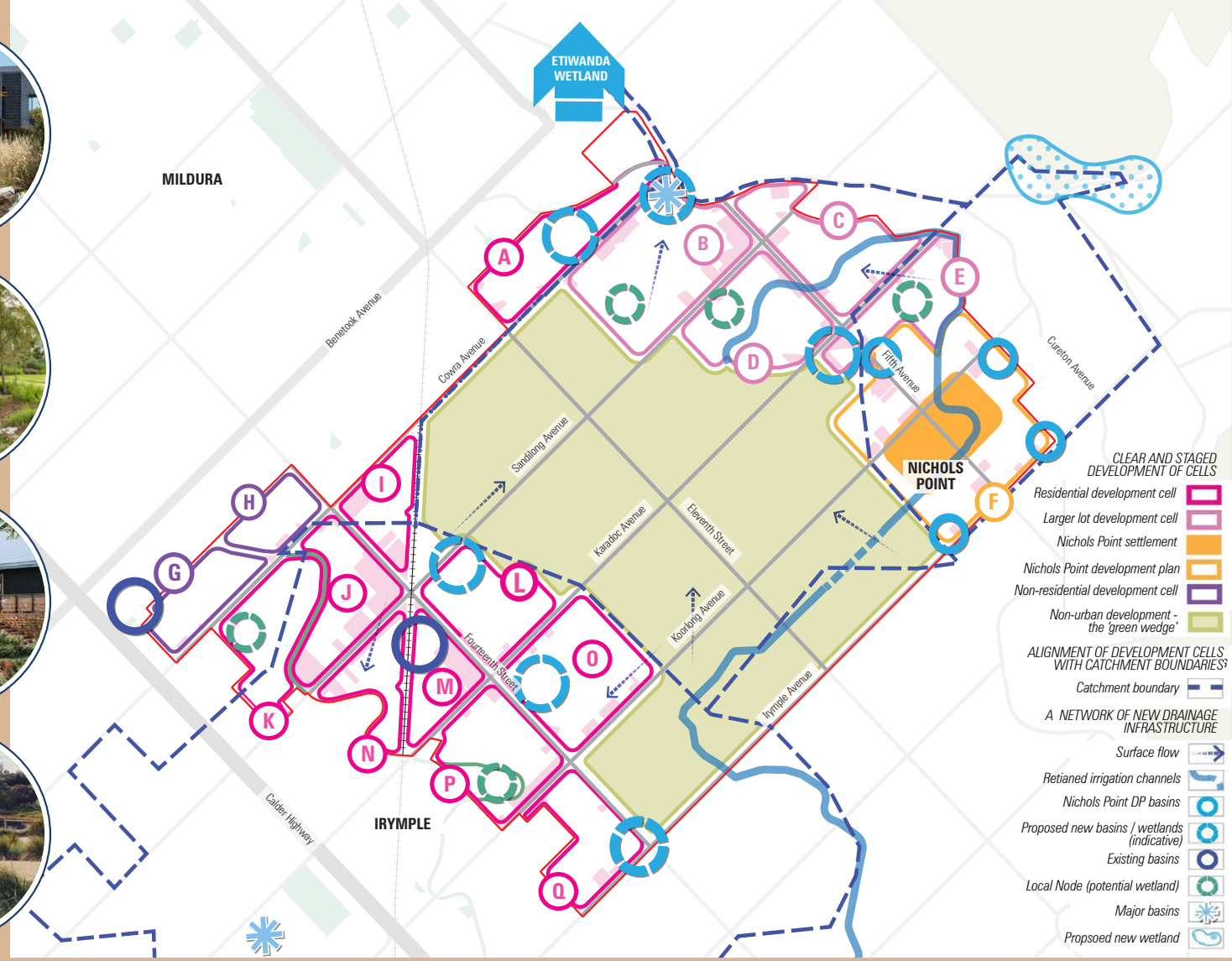


Figure 9: Key directions: development and drainage

DEVELOPMENT ASSUMPTIONS

Key Assumptions

Projections of future dwelling and employment related floorspace were prepared for the Mildura East Growth Area. Population growth data shows there was generally no COVID related surge in growth for 2019-20 in the Mildura Town or LGA overall, using previous VIF19 estimates of growth rates as a reference, though a surge was observed in the Irymple Statistical Area (SA2) that contains the East Mildura study area.

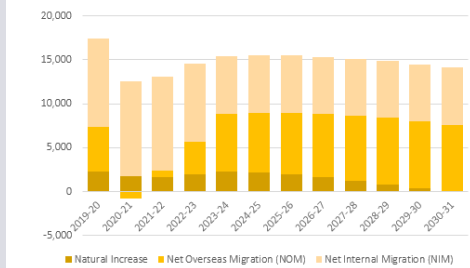
POPULATION GROWTH RATES FOR SELECTED AREAS 2019-2020 – ACTUAL (ABS) AND PROJECTED (VIF19)

	ABS Estimated Resident Population	VIF 19
Irymple SA2	2.10%	(N/A)
Mildura Town	0.20%	0.72%
Mildura LGA	0.28%	0.64%

Source: ABS 2021 and Victoria in Future (VIF) 2019]

The Centre for Population suggests that regional areas are not likely to benefit from COVID related impacts on an ongoing basis after short term positive and negative disruptions. They assume that any initial uplift in growth will fall away as the impact of reduced international immigration flows through more generally.

COMPONENTS OF POPULATION GROWTH IN REGIONAL VICTORIA POST COVID



Three different dwelling growth scenarios were prepared for the study area (base case, upside and optimistic).

The projections were based on small area work undertaken in 2018 by SGS Economics and Planning as an input to Council's Development Contribution Plans (DCPs), which in turn drew from the Victorian Government's Victoria in Future population and dwelling projections. The DCP work identified dwelling projections at a fine grain, small 'DCP charge' area level, for Mildura's growth areas including the Mildura East study area.

Similarly, retail, commercial and industrial area forecasts for the study area were projected by DCP charge area, drawing from SGS's Small Area Model (SAM).

DWELLING FORECASTS BY BASE, UPSIDE AND OPTIMISTIC GROWTH SCENARIOS IN STUDY AREA

	2016	2021	2026	2031	2036	2041	2046	Change 2021 – 2036	Change 2021 – 2046
Base case	585	610	661	711	756	793	829	146	219
AAGR		0.85%	1.60%	1.48%	1.25%	0.96%	0.87%	1.44%	1.27%
Upside	585	623	698	774	842	898	951	219	328
AAGR		1.26%	2.32%	2.08%	1.70%	1.28%	1.15%	2.03%	1.71%
Optimistic	585	631	725	818	901	970	1035	270	403
AAGR		1.54%	2.79%	2.45%	1.97%	1.47%	1.31%	2.40%	2.00%

Source: SGS Economics & Planning 2021

Future Housing Needs

The base case scenario shows demand for 146 dwellings within the study area in the next 15 years, between 2021 and 2036. This would reflect an overall annual growth rate of 1.44 per cent, reflecting the forecasts for the study area from the DCP work. An upside scenario would see growth of 219 dwellings at a growth of 2.03 per cent each year while the 'optimistic' scenario would see growth of 270 dwellings at 2.40 per cent each year. In our view the base case is most likely but planning for the upside scenario would allow for a supply buffer.

An indication of the future distribution of these dwellings (by lot size) to identify the potential 'land take' can be determined by looking at the change in lot sizes in the area. The table below shows the potential distribution of housing demand and 'land take' for each of the scenarios based on the observed share of new lots by size and the effective net densities calculated from the change in 2008-2021. It suggests that the land take for the base case could be in the order of 27.8 ha (net) for lots up to 8000sqm, at the range of net densities shown, or 21.9 ha (net) if the average net density was 10 lots/ha. For the lots under 1000 sqm the land take is 8.3 ha for the base case.

LOT DISTRIBUTION AND LAND TAKE BY SCENARIO IN STUDY AREA

Lot Size (sqm)	Effective net density (lots/ha)	Share for Planning	Base case (dwellings)	Land take (ha)	Upside scenario (dwellings)	Land take (ha)	Optimistic scenario (dwellings)	Land take (ha)
Up to 1000	18.4	70%	153	8.3	229	12.4	282	15.3
1000-3000	5.3	20%	44	8.3	66	12.4	81	15.3
3000-8000	2	10%	22	11.2	33	16.8	40	20.3
Total	7.8	100%	219	27.8	328	41.6	403	50.9
Total land take at 10/ha				21.9		32.8		40.3

Source: SGS Economics & Planning 2021

Future employment needs

The table below shows the 'base case' demand for employment floorspace. A very modest increase in the floor space of local shops is forecast (only 34sqm over 20 years). This reflects the existing concentration of shops in the town centres outside the study area. However, the combined demand for 'local shops' and 'retail' floorspace suggests the need for an additional supermarket and associated shops. This may or may not be provided in the study area and depends on future retail planning.

Additional industrial floorspace is forecast, however, based on the assumptions for sequencing of development, this is to be concentrated near the border of the Mildura South area, to the south-west of the study area.

These estimates, particularly for local shops, could be adjusted upwards for the upside and optimistic scenarios if chosen for planning purposes.

EMPLOYMENT FLOORSPEACE DEMAND (SQUARE METRES) IN STUDY AREA (BASE CASE)

	2021	2026	2031	2036	2041	2046	Change 2021-2046	AAGR 2021-2046
Local shops	9	17	24	32	38	43	34	6.7%
Retail	918	1862	2952	4144	5192	6154	5236	7.9%
Industrial	17849	19976	22264	24668	27196	29852	12003	2.1%
Office	50	173	295	402	493	572	522	10.2%

Source: SGS Economics & Planning 2021

LANDSCAPE & ENVIRONMENT FRAMEWORK

The study area is not currently notable for any particular landscape or biodiversity values, having a mostly rural character with the majority of land developed for housing, vacant or under vine. Road corridors contain the majority of canopy vegetation and provide a strong basis for the key directions relating to Landscape and Environment.

The slow rate of development in this area provides a key opportunity to actively restore some of the natural values of this area, which in turn support economic development through increased tourism opportunities and also contributes to overall community health and wellbeing. The reintroduction of canopy vegetation is particularly important in response to climate change, but there are much broader opportunities to consider how the environment is addressed through the public realm and contributes to a sense of place. Delivering multi-beneficial outcomes through key interventions is an underlying principle behind many of these directions.

Importantly, utilisation of existing and proposed drainage and transport infrastructure to bolster the open space network through canopy coverage and integrated wetlands will be a key facet of development in this area, along with an increased focus on locally relevant and climate resilient landscape outcomes.

OBJECTIVES

- To establish a hierarchy of green corridors connecting the open space network.
- To ensure that the area contributes to urban heat reduction and the maintaining human health and wellbeing through periods of extreme heat.
- To restore lost biodiversity within the central core of the precinct and support opportunities to provide habitat for local species.
- To deliver comprehensive network urban forest corridors.
- To protect the Murray River and its floodplain from the impacts on more intensive development.
- To use landscape interventions to establish a sense of place.

KEY DIRECTIONS

- 1 Develop Eleventh Street, Sandilong Avenue and Koorlong Avenue as 'Canopy Corridors'**, with road shoulders developed as part of a broader urban forest network intended to increase liveability and support biodiversity outcomes.
- 2 Prioritise the delivery of shaded canopy within edge road reserves** to create a welcoming urban environment when viewed from within the 'green wedge'.
- 3 Establish a web of blue-green corridors** connecting existing and proposed drainage basins / wetlands that facilitates active transport and connects the open space network.
- 4 Strongly support appropriate uses with the 'green wedge' which enhance and restore the areas biodiversity** or contribute to increase canopy cover with the area.
- 5 Recognise the transition point in the landscape** to the north formed along the drainage line which offers views to the river floodplain beyond Cureton Avenue.
- 6 Use landscape interventions to connect key recreational assets** to support access from the study area.
- 7 Build on existing connections** to deliver landscape corridors which contribute to biodiversity outcomes.



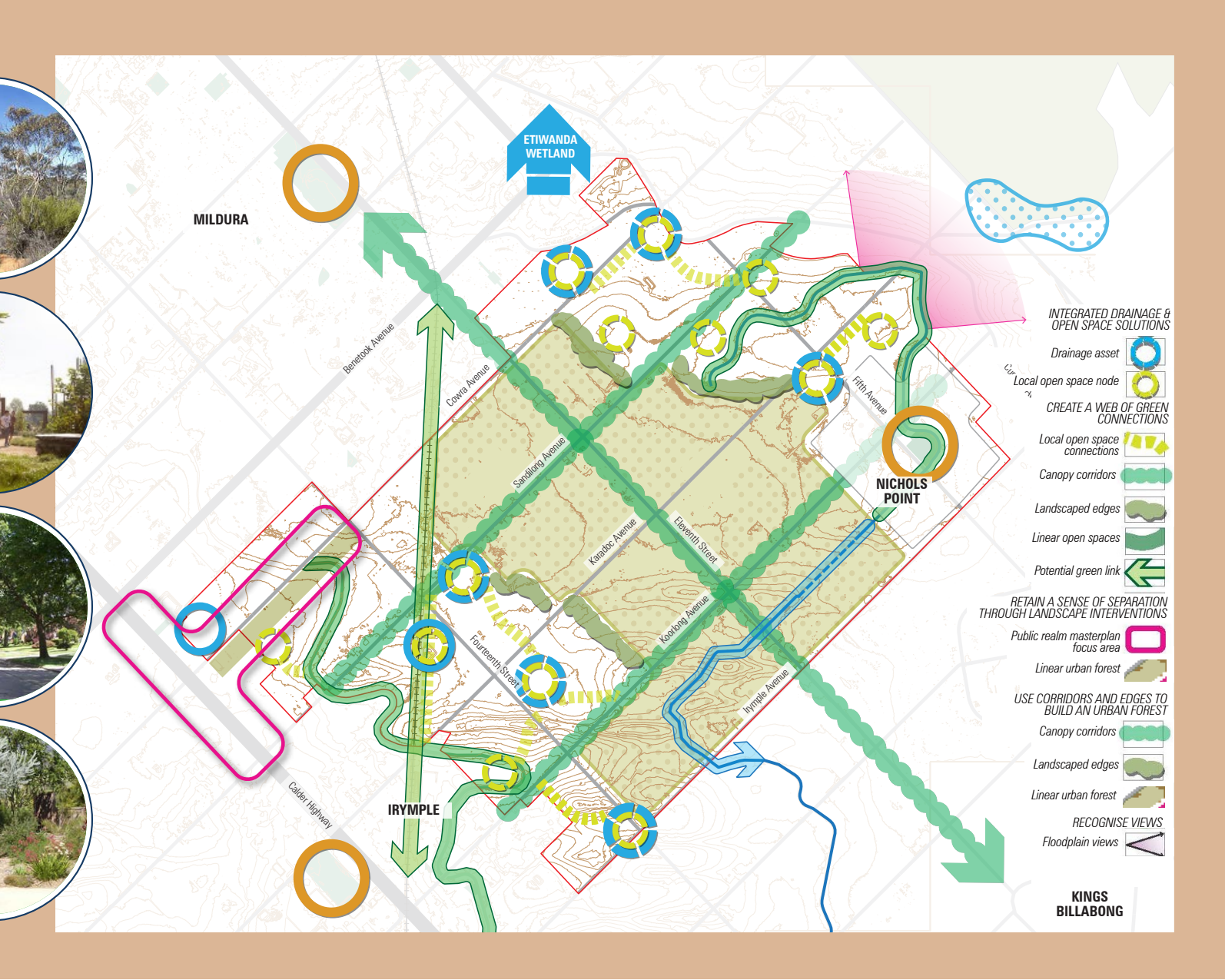


- 8 Ensure that development planning integrates appropriate measures to ensure that new residential areas are designed to **support environmentally sustainable development**.
- 9 Ensure all drainage infrastructure is delivered in a manner which **considers opportunities to provide multi-beneficial outcomes**, improvement amenity, liveability or environmental outcomes.

WHAT DOES THE FRAMEWORK PLAN NEED TO DO?

- Explore the appropriate configuration of forest roads, balancing existing conditions and multiple purposes.
- Confirm location of larger and smaller basins in response to feedback and consider characteristics of connections between nodes.
- Identify more specific opportunities for delivering biodiversity outcomes and potential funding streams to support initiatives on private land.
- Identify key components of drainage infrastructure delivery, including staging and financial considerations through the Drainage Plan and Development Plan content.

WHAT ELSE?



ACTIVITY & INTERFACES FRAMEWORK

Given the current and historical farming conditions of much of the land within the identified Growth Area, a considered approach to appropriate land use controls must inform the development of the Framework Plan. It is evident from a comparison of the identified demand, even with a very generous lens on, that the majority of land within this area will not be needed to accommodate growth for many many decades to come. The central part of the growth area is also within its own drainage catchment and would require very significant investment in infrastructure to development, which is not possible to justify given the other land available. It is important therefore that a clear vision is identified for this area, which these key directions seek to do.

The anticipated level of demand necessitates a variety of land use controls be implemented to ensure consolidated development in appropriate areas of early stage settlement. Crucial to this staging is to ensure the long-term settlement areas have the appropriate land use controls applied, ensuring clarity of use for residents and compatibility with development prospects. Equally important is the recognition of the careful management needed in the interface are to address both the sought after sense of separation, but also responses to industrial interfaces.

OBJECTIVES

- To provide a clear sense of identity and broader range of permissible but compatible non-residential uses for land within the centre of the precinct.
- To ensure the distinctive identity of the existing settlements is maintained.
- To reinforce residential interfaces to ensure landscape vistas are maintained and enhanced.
- To encourage a diverse range of activity across the precinct and facilitate connections between activity nodes.

KEY DIRECTIONS

- 1 Recognise that land surrounded by Nichols Point, Irymple and Mildura and within which there is extensive residential development is unlikely to serve a wholly agricultural purpose and that the **application of the Farming Zone may need to be reviewed.**
- 2 Identify land that is unlikely to be developed within 30 years as a 'green wedge' to **ensure that landowners within this area have clarity about uses which will be supported on their land.**
- 3 Consider land within the '**green wedge**' area for **larger scale but compatible uses**, which may not be able to be accommodated within existing urban areas, with a focus on the Eleventh Street corridor.
- 4 **Establish strong landscape buffers at urban and non-urban interfaces**, further supporting development of Mildura's urban forest.
- 5 Rezone land to provide an additional pocket of **light industrial land** within the study area where it can **contribute to a sense of 'separation'** between the settlements of Irymple and Mildura
- 6 **Establish a linear urban forest at the interface of residential and non-residential** uses where it can support a meaningful sense of transition between settlements.

- 7 Link this urban forest to a **new program of streetscape works** to respond to urban form changes and delineate settlement boundaries
- 8 **Establish a series of Local Nodes** to entourage local activity and interaction within development cells.
- 9 Seek to **transform current barriers to future linkages** which support greater connectivity over time.

'GREEN WEDGES'

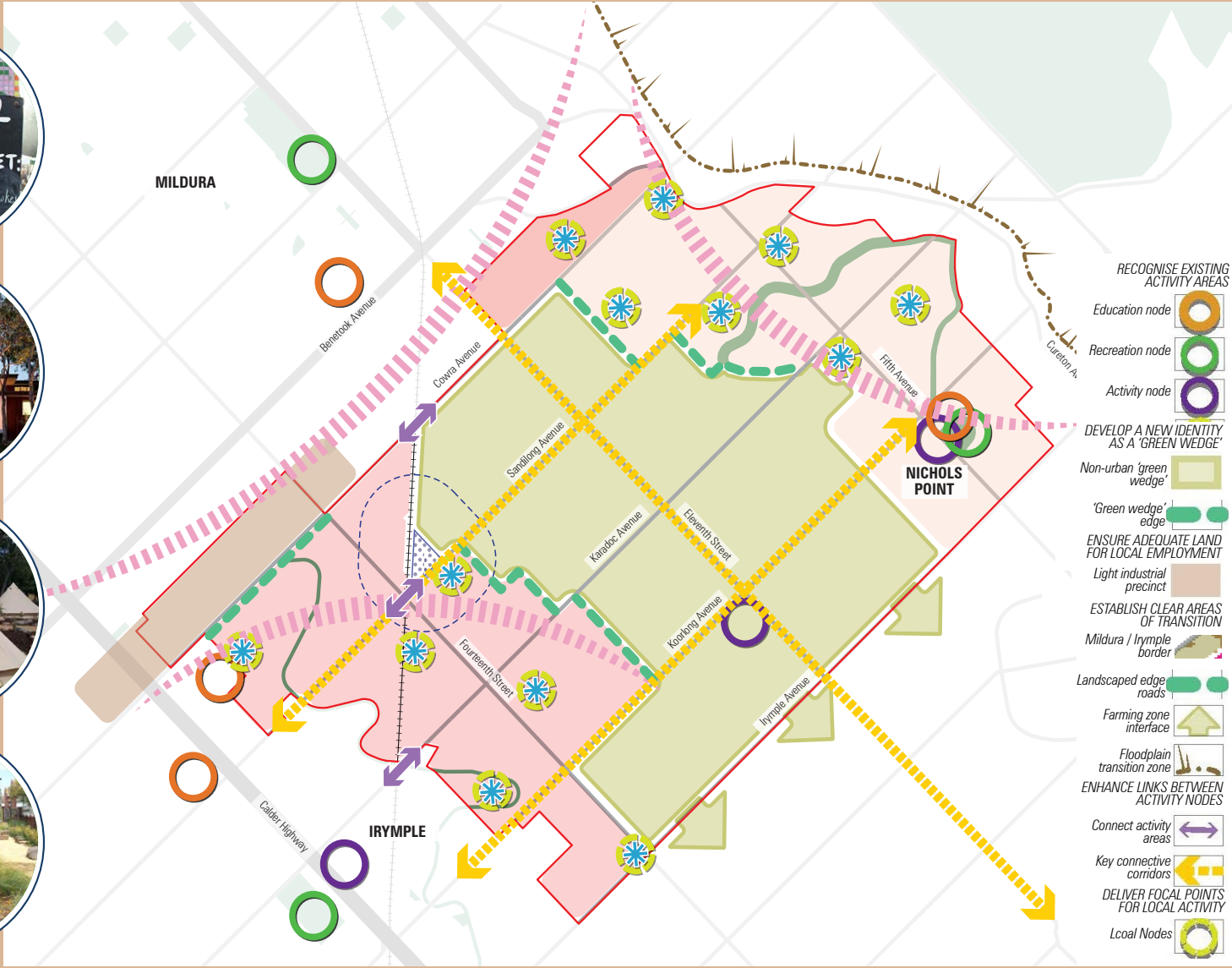
In metropolitan planning, the concept of 'green wedges' has long been established. While these areas are all unique they are areas which contain a mixture of agriculture and low density activity, with a focus on 'non-urban' activity.

They are subject to two specific zones and legislated requirements for their management. While it is not proposed to rezone the land identified as 'green wedge' to the Green Wedge Zone (which can only be applied to land within the Melbourne UGB), nonetheless the aspirations and existing and potential future characteristics of green wedge land are aligned.

WHAT DOES THE FRAMEWORK PLAN NEED TO DO?

- Establish key aspects of any brief for streetscape works
- Explore options for the delivery of the proposed linear forest and opportunities to deliver integrated water management outcomes.
- Confirm appropriate zoning for Mildura's 'green wedge' through a thorough examination of options, considering that the Green Wedge Zone cannot be applied. The zone would need to be more flexible than the current Farming Zone but support a 'non-urban' range of uses.

WHAT ELSE?



MOVEMENT FRAMEWORK

In the transition of parts of the Mildura East Growth Areas into an urban residential environment, a considerate approach to how movement will be arranged has been taken. The key directions seek to provide a framework of movement with a focus on multipurpose green movement corridors linking both settlements and existing key destinations. The key directions also seek to extend public transport opportunities into this area to facilitate more sustainable forms of transport.

The long term potential of the rail corridor to provide a direct separated active transport link to the CBD is significant enough that it must be explored further, considering the existing and future use of this corridor. Drainage channels, urban forest buffers and other key features of the proposed vision are all linked together to facilitate the movement of people through the various development cells, with a deliberate focus on aligning pedestrian movements with green spaces and access to shade.

The key directions do not directly address local road networks as the cells have been deliberately framed to support the delivery of connected networks through any development plan preparation.

OBJECTIVES

- To provide for a safe transportation network for all through a clear hierarchy of road users and transport modes.
- To prioritise active modes of transportation along dedicated trails
- To prioritise road traffic along key movement corridors.
- To retain a separation of road uses incompatible with local neighbourhoods.
- To provide for a universally accessible movement network that gives access to community and social infrastructure.

KEY DIRECTIONS

- 1 Recognise Eleventh Street, Karadoc Avenue and Sandilong Avenue as **'Canopy Corridors'**, providing cool and safe pedestrian and bicycle links alongside road carriageways and delivering key inter-urban links.
- 2 Align and connect existing and proposed key movement corridors to create a **cohesive network of pedestrian friendly corridors throughout the area**, and connecting to key destinations both in and beyond the Study Area.
- 3 Continue to use road treatment to **discourage heavy vehicle through traffic** from using roads in the area, other than the Mildura Freight Link (Benetook Avenue) and the Calder Freeway to the south.
- 4 **Expand existing bus services to connect Mildura to Nichols Point and Irymple.** DELWP, MCMA and future development will also benefit. If feasible, deliver increased frequency of these services in advance of residential population to support modal shift.
- 5 **Provide edge roads with generous canopy tree planting in development cells** adjoining the 'green wedge' to mark interface. Edge roads will allow public to access and enjoy rural landscape from urban vantage point and the security/surveillance that offers.



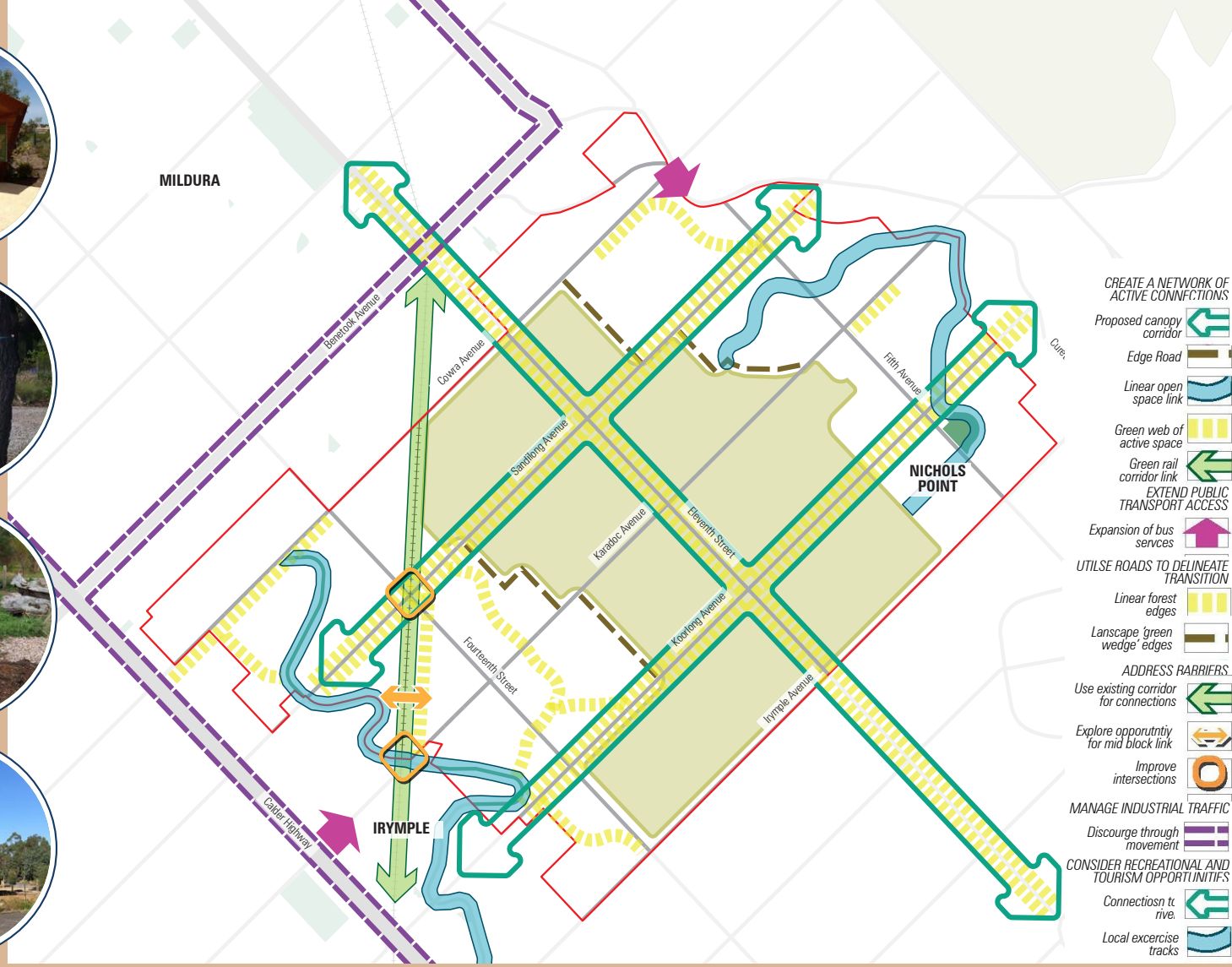


- 6 Utilise **key connections within development north of Irymple** to make use of existing Street and Avenue network and existing rail crossing points to create a connected network of local streets within development cells.
- 7 Improve the safety, function and amenity of **pedestrian crossing points of freight line** at Karadoc Avenue and Sandilong Avenue / Fourteenth Street and explore opportunities for a mid block crossing point.
- 8 Explore opportunities to use the proposed network of open space active transport linkages to **deliver exercise or tourism trails**.
- 9 Consider the **integration of electric vehicle charging points** within key corridors or at key nodes.

WHAT DOES THE FRAMEWORK PLAN NEED TO DO?

- Establish any more significant upgrades to roads required beyond standard requirements to inform Development Contribution updates.
- Deliver a clear set of criteria to guide development of localised road networks within development cells.
- Provide examples of preferred and non-preferred street configurations within development cells
- Identification of preferred (indicative) streetscape cross-section for Canopy Corridors and exploration of opportunities for early delivery to support climate resilience and existing community needs.
- Through discussion with Department of Transport, resolve parameters for delivery of the proposed rail link and management of safe crossing points.

WHAT ELSE?



SOCIAL & CULTURAL FRAMEWORK

Accommodating staged development, the provision of cultural and social infrastructure within the Growth Area should be reflective of the identified needs of the existing community and accommodate future residents. The particular characteristics of the area and the likely rate at which development occur make this area somewhat different from more traditional growth areas. As such there is not proposed to be a new activity centre or large scale commercial facilities proposed. Resident will instead be provided with enhanced links to existing areas of activity supporting and enhancing those areas. They will interact with their local neighborhoods through a considered series of local nodes, offering places to connect and move through the neighborhoods as the develop over time. Some of these nodes may develop over time to accommodate some small scale nonresidential uses such as a medical center, child care centres or local cafes if there is demand and appetite for such development identified through The relevant planning processes for each of the development cells.

The key directions also seek to instill a strong sense of place through a range of measures focused on recognising the particular landscape and historic features which distinguish Mildura for all other Victorian regional centers.

OBJECTIVES

- To celebrate local context to create place specific outcomes.
- To ensure that sufficient community facilities and services are provided to service new communities.
- To foster social interactions, both formal and informal, within new and existing communities.
- To retain the distinct identities of settlements within the Main Urban Area of Mildura.
- To support community health and wellbeing outcomes through the creation of cool and attractive active space corridors.

KEY DIRECTIONS

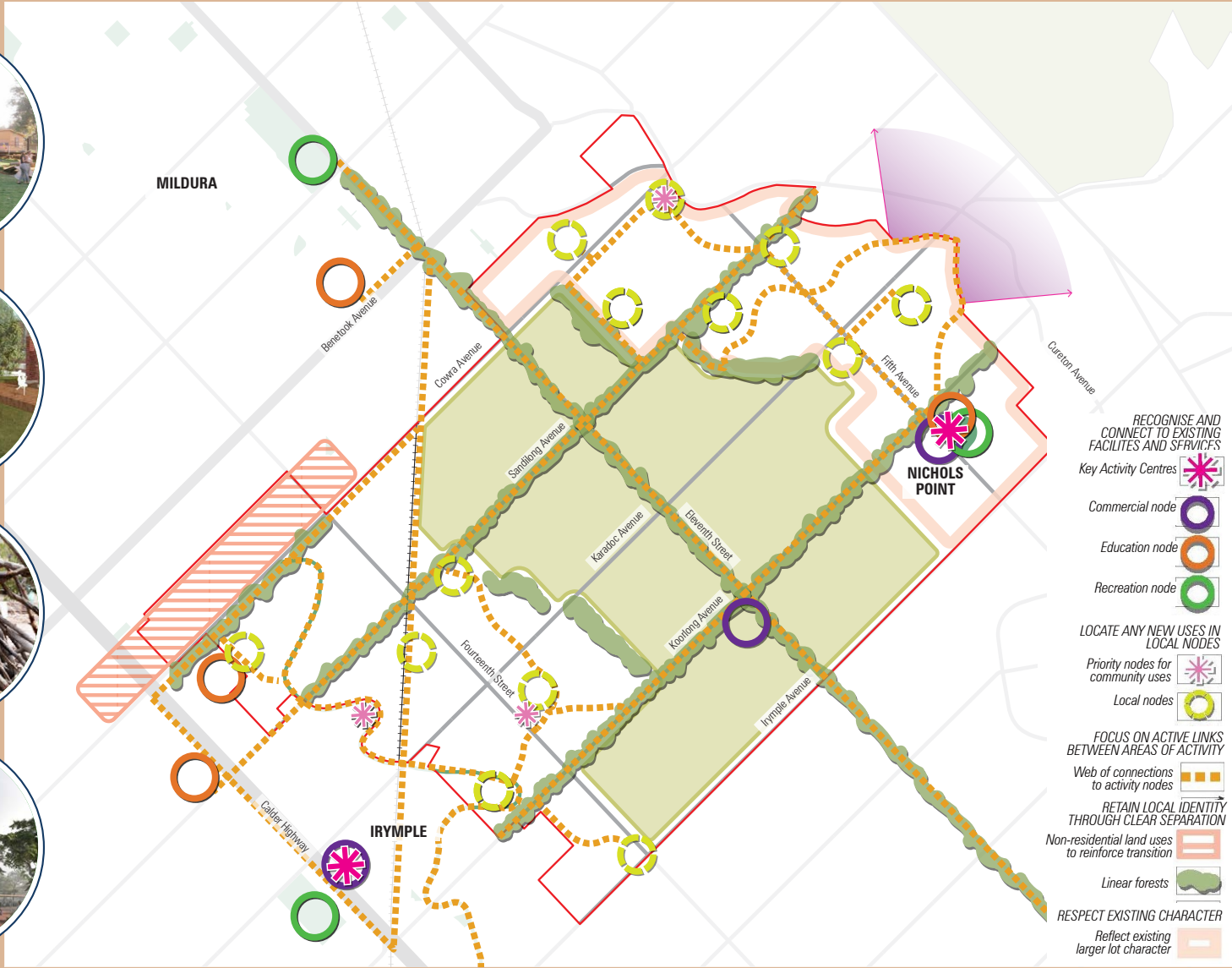
- 1 Create a **new 'identity' for land between the two proposed development fronts** to recognise and support a broader range of uses which respect existing agriculture and restore and enhance the areas biodiversity.
- 2 Avoid continuous residential development between Irymple and Mildura to **retain a sense of separation** and use linear forests and streetscape upgrades to create a strong sense of visual if not spatial separation.
- 3 **Protect and celebrate the existing valued character of larger, more vegetated lots** around Nichols Point by directing more 'conventional' residential development to the south of the precinct.
- 4 **Strengthen existing community hubs** to service increased populations in preference to identifying new activity centres.
- 5 Ensure most **residential development is within 400m of wetland/open space** node or linear open space.
- 6 Combine existing and proposed wetland/ drainage corridors and active transport corridors to **form a 'green web' of linkages connecting key destinations**, supported by small-scale infrastructure such as seating to facilitate social connections.

- 7 **Locate social and cultural assets where the web intersects** and form focal points where opportunities for multiple assets combine in the one location.
- 8 **Retain a sense of openness** towards the Murray River floodplain.
- 9 **Bring the mallee into Mildura East** through mallee forest corridors, the use of indigenous understorey plantings and unsealed tracks alongside more 'urban' infrastructure.
- 10 **Increase recognition of local Aboriginal culture and connection to the land** and work with local representatives to explore opportunities within the area to celebrate connections to Country and to enhance broader understanding and recognition of the areas history, including for visitors.
- 11 **Identify local points of interest** and, where possible integrate these with local design outcomes and story boards, for example, a 'plane' themed playground close to identified WW2 plane crash sites.

WHAT DOES THE FRAMEWORK PLAN NEED TO DO?

- Provide details as to how the 'mallee' landscape character could be integrated into landscape and streetscape works in a practical and attractive manner.
- Once development cells are confirmed assess the need for any additional community services and the preferred 'local node' for their location.
- Explore opportunities to support biodiversity outcomes on private land in a way which is compatible with landowner aspirations.
- Consider required setbacks or other mechanisms required to deliver linear forest.
- Set key parameters for streetscape works to celebrate distinction between Irymple and Mildura in collaboration with Department of Transport / VicRoads.
- Spatially locate any areas of historic interest so they are carried through to the Development Plan phase. Do you know any? Let the team know!
- Identify a set of key 'themes' which celebrate local history to be integrated in to local design outcomes during any development phase

WHAT ELSE?



NEXT STEPS

This *Vision and Key Directions Report* will be exhibited publicly over the summer of 2022.

During this time, interested parties will be invited to provide written feedback to the Council on the content of this document, or to provide their thoughts via a survey. This process is intended to let the project team know if they are on the right track prior to the drafting of the Framework Plan.

It's important if you agree with something to let the team know so it can be retained in the Framework Plan. And if you disagree with one of the objectives or key directions - or even some of the assumptions - then make sure you let the team know why so they can provide you with an appropriate response.

The team will be in Mildura during the exhibition period to answer any questions you might have or to hear your thoughts about how we might be able to effectively deliver the 'vision'.

So keep an eye out for correspondence and make sure you let the team know what you think!



MILDRUA EAST GROWTH AREA FRAMEWORK PLAN: VISION & KEY DIRECTIONS – RESPONSE TO SUBMISSIONS				
Name	#	Issues	Response	Change Req
Roy Costa for B McGlashan [REDACTED]	1	<p>Requests land be rezoned to residential (GRZ1)</p> <p>Land in question behind residential allotments on Fourteenth Street and Sandilong Avenue, within development cell N</p> <p>Suggests the land at address is given priority for rezoning, based upon observed demand, existing infrastructure due to adjacent residential development, and current development of subdivisions to the south</p> <p>Suggests a housing demand in excess of 370 dwellings p/a throughout the municipality</p> <p>Notes the popularity of Irymple for subdivisions accommodating this growth</p>	<p>Demand identified will be reviewed on an ongoing basis as this project develops and if projections exceed the quantum of land identified then adjustments will be made. However, given an oversupply has currently been identified, this is unlikely to lead to the identification of further land for development, at least in the first stage.</p> <p>If demand is in excess of what is projected and all zoned land is developed, then additional land can then be rezoned on the basis of that evidence for demand as outlined in the draft.</p> <p>In relation to Irymple's land supply – a specific project was recently undertaken which resulted in the adoption of the Irymple Structure Plan by Council. This document assessed the available land in Irymple and identified two parcels for rezoning and did not identify the need for any further land to be rezoned (i.e to the north or west). This document should be referred to in addressing issues related to the supply of land in Irymple and any perceived shortfall.</p> <p>It is also noted that Cell N is more complex to develop than Cell D given the existing constraints and residential development.</p>	N
Roy Costa for Callipari and Roccisano [REDACTED]	2 & 2A	<p>Submission 2: Requests land be rezoned to residential (GRZ1)</p> <p>Land is adjoining existing residentially zoned land and has previously been identified in Council strategies as future residential land</p> <p>Suggests a housing demand in excess of 370 dwellings p/a throughout the municipality</p> <p>Submission 2A:</p>	<p>The submitters support expressed in the later submission (2A) is noted.</p>	N

		Supports the proposed identification of Cell B and requests immediate rezoning.		
Paul & Grace Butler	3	<p>Objects to the suggested rezoning of land for light industrial use due to existing houses and the potential for heavy vehicle traffic.</p> <p>Questions suitability of land for industrial development when vacant industrial lots remain adjacent to development cell on Benetook Avenue and seeks understanding of the identified demand</p> <p>Questions why there is a need to provide a separation between Irymple and Mildura, believing Benetook Avenue provides sufficient separation.</p> <p>Concerned rates would be higher under a light industrial zoning</p>	<p>The issues of rates is not a valid planning consideration, however, it is noted rates would be higher under a residential than industrial zoning.</p> <p>In response to the submissions, it is clear that there will be benefit in the Framework Plan providing greater detail as to how the proposed light industrial uses will intersect with existing residential lots and how amenity will be protected.</p> <p>The area in question has good access to Fifteenth Street and potential management of traffic will be considered through the development of the Framework Plan (noting a traffic consultant is available), including potential options for responses such as a service lane. It is further noted that there is already a considerable amount of industrial development which fronts Cowra Avenue – much of it heavier industry than proposed in the document.</p>	Y
Urban Synergistics for Macri Land	4	<p>Investigation Area 3</p> <p>Objects to the lack of inclusion/discussion of issues and opportunities of Investigation Area 3 V&KD report, following indication that it would be considered.</p>	No response required – Council should ensure contact to advise that no future plans have been identified for that area at this stage and that contact will be made directly with stakeholders in that area as part of the Framework Plan stage.	N
Andrew Buffon (Brickworks)	5	Investigation Area 3 – seeking input on future plans for their land in that area	No response required – Council should ensure contact to advise that no future plans have been identified for that area at this stage and that contact will be made directly with stakeholders in that area as part of the Framework Plan stage.	N

Roy Costa for A & R Parker [REDACTED]	6	<p>Requests land be rezoned to commercial/industrial Land within suggested Green Wedge</p> <p>Suggests the suitability of land for commercial/industrial use due to frequent traffic & position between industrial, commercial & residential land to the north-west & south-east along Eleventh Street</p>	<p>If there are particular uses that are proposed, then provision of more specific details would be beneficial.</p> <p>Rezoning of the land to commercial or industrial zones is not supported by the demand assessment. Should all existing commercial and residential land be utilised, an assessment of the preferred locations for additional and would be undertaken as part of relevant planning processes (i.e an Industrial Land Use Study) and is the appropriate pathway to identify if this land has strategic justification to underpin any rezoning – it does not at the current time.</p>	N
EPA	7	<p>Identifies the importance of separation distances, and notes reports acknowledgement of concrete batching plant.</p> <p>Questions how the separation distances have been responded to given adjacent areas shown as future residential.</p> <p>Separation distances of 300m identified at 53.10 (excess 5000tonnes p/a), EPA recommends 100m</p> <p>Requests further consideration of residential development adjoining</p> <p>Requests visual representation in key issues report of the buffer and to include reference to the recommended separation distances set out in EPA Publication 1518</p> <p>Also notes the potential for Farming land to be subject to contamination which may need to be addressed through rezoning processes</p>	<p>Separation distances are acknowledged as important in the documents, and will be addressed further through the framework plan. It is noted, however, that the area identified for future residential growth already includes a significant number of existing dwellings.</p> <p>Additional reference to relevant documents and a visual representation of the buffer will be added to the Key Issue Report.</p> <p>Management of potential contamination of farming land will be addressed via the framework plan.</p>	Y

Department of Jobs, Precincts and Regions	8	<p>Supports the overall intent and purpose of framework plan</p> <p>Reiterates comments on earlier draft pertaining to extractive industry:</p> <ul style="list-style-type: none"> - Identify possible key resources & extractive opportunities and establish a model for extraction - Ensure areas of farming land are retained - Identify transport links used by existing Extractive Industry Operations 	<p>No earlier comments have been received re extractive industries. The location in close proximity make extractive industries potentially problematic and may not be supported.</p> <p>It is also proposed to retain a number of areas to allow potential for farming but to broaden potential uses due to the characteristics of the land which make viable long term farming challenging.</p>	N
Lower Murray Water <i>(late submission)</i>	9	<p>Submission to follow. Ongoing discussions with LMW have indicated the following concerns.</p> <p>General concerns regard the impact that any urban development has, being:</p> <ul style="list-style-type: none"> • Loss of agricultural landowners who access products and services • The need to roll back irrigation and drainage infrastructure in an orderly manner <p>More specifically Cells C, D and E have been identified as problematic as a result of the proximity of new residential development in proximity to the open drainage irrigation channel. Risk management by the organisation means that under grounding of the channel is being pursued in the existing NP DP area. Preference for LVM would be that these areas are retained as farming land on the basis that this:</p> <ul style="list-style-type: none"> • Reduces the intensity of development around the irrigation channel • Retains agricultural land in close proximity to key assets reducing the likelihood of those land parcels compromising other areas of agricultural land 	<p>The Framework should be seen as contributing to addressing both the 'general' issues.</p> <ul style="list-style-type: none"> • by clearly defining that large parts of the area will not develop for 50 plus years, the certainty required to support ongoing agricultural uses in the area will be increased • any development around Mildura is likely to lead to a reduction in irrigated land but this is not sufficient rationale for no development to occur. <p>The roll back of irrigation and drainage infrastructure is again, a natural consequence of any development, the next stages of the project will include ongoing discussions with LMW. However, it is noted that the proposed cells do not preclude an orderly winding back of infrastructure, notwithstanding the issue discussed below.</p> <p>Further work will be undertaken to review the future development of Cells C and D. This will need to be carefully considered as submission have been received from landowners in this area who support the identification of this land for future residential development. Some extension of Cell B could be considered.</p> <p>It is considered retaining Cell E is less problematic as the cell is an extension of Nichols Point and the irrigation channel runs along the edge, rather than through the cell. Furthermore, there is already proposed or</p>	Y

		<ul style="list-style-type: none"> Retains a link between agricultural land to the north and the central 'green wedge' area where agriculture is expected to continue 	<p>existing residential development along portions of the channel edge within this cell. However, there is an existing pump which has a line running through the Cell. Options for managing the pump line will need to be explored in the Framework Plan stage</p> <p>Further work will be undertaken with LMW to work through issues as part of the preparation of the Framework Plan and the Drainage Plan to ensure technical issues are addressed. Issues relating to the protection of existing infrastructure and future servicing of land will continue to be discussed and resolved in more detail through the next phase of this project.</p>	
Peter Middleton [REDACTED]	10	<p>Land on Eleventh Street in designated Green Wedge</p> <p>Suggests the framework plan does not deliver the proposed net community benefit, and impacts expectation of land value of landowners</p> <p>Queries the delivery of net community benefit on the basis of: Reduction in areas under vine Encouraging native vegetation rather than crops</p> <p>Opposes green wedge designation, suggests lack of environmental and biodiversity values in study area & similarities between Melbourne green zones, and lack of clarity surrounding supported uses (non-residential vs. non-urban)</p> <p>Notes 'devaluation' and the effect of framework plan on property market in Mildura and public expectation of rezoning</p> <p>Questions potential impact on tourism & property values of restoring natural features and native planting</p> <p>Questions inclusion of irrigated land in development</p>	<p>Expectations of landowners or concerns about the devaluation of land are not a valid planning considerations. It is noted that land in question is current zoned for Farming and so there would be no devaluation.</p> <p>Previous decisions by Council, for instance the development of Mildura South, are not relevant to this project. This project must consider the best outcomes, and part of that is balancing the existing infrastructure commitments made by Council, as well as basis strategic planning principles which seek to avoid an oversupply of land and to ensure the orderly delivery of infrastructure to new communities.</p> <p>Given the existing Farming Zone it is inaccurate to state that designating the area a 'green wedge' is commensurate with a back zoning. See following comments regarding a clear need for further clarification of the green wedge concept, noting the submitter seems to have misunderstood many of the proposed aspects.</p> <p>In relation to the concerns underlying net community benefit it is noted there is no proposal to replace agriculture with native vegetation and work will continue to ensure LMW assets are protected and managed as the area transitions. All other concerns identified would relate to any development on any parcel in the area.</p> <p>Further detail around the 'green wedge' should be provided to make it clearer that the anticipated rates of growth in Mildura (supported by the</p>	Y

		<p>cells and inclusion of vacant land in Green Wedge</p> <p>Suggests inefficient use of existing water infrastructure in framework plan's encouragement of native vegetation planting through incentives</p> <p>Suggests urban heat is best mitigated through re-irrigation of vacant blocks</p> <p>Concerns of increased traffic congestion on Eleventh Street, contradicting principles of Green Wedge</p> <p>Questions logic of staging and not flagging area around Eleventh Street (main arterial road) for development first</p> <p>Seeks clarification on horticultural water vs. agricultural water</p> <p>Questions claim of road corridors providing majority of canopy vegetation</p> <p>Identifies error on Movement Framework Key Direction 1 – should read Koorlong rather than Karadoc</p>	<p>most recent ABS statistics) demonstrate that residential or commercial development cannot be supported across the whole precinct. The 'green wedge' designation seeks to both provide landowners with a greater degree of certainty and to identify a future vision for the area that can contribute to the broader area. It is not intended to replicate Melbourne's green wedges. The designation of a 'green wedge' is <i>indicative</i> of the type of <u>future vision</u> for this area – it is not intended to be a reflection of the current conditions of the land.</p> <p>Work will be ongoing with LMW to manage the transition / retention of water infrastructure in the area, but the contradiction between rezoning of land to residential alongside suggestions for re-irrigation is noted.</p> <p>Commentary regarding the benefits of agriculture in the area are noted. There is no proposal to replace existing agricultural uses with native vegetation if there is a desire by the landowners to continue agricultural uses – in fact, agricultural uses are the preferred use of this land and are likely to be supported by a greater degree of certainty that the area will not transition to residential uses over the coming decades – a reduction in speculation is likely to improve the availability of land for agricultural purposes. The same would also be true for the take up of incentives noted by the submitter. No specific incentives or proposals have been put in place for what will occur on the green wedge land and the resolution of this and any associated issues will be part of the purpose of the next stage of work, which includes further consultation.</p> <p>Traffic on Eleventh Street has already been identified as an issue and the 'green wedge' designation is unlikely to significantly affect this, but traffic expertise will inform the next stages of work and Eleventh Street will be a focus.</p> <p>Details of the Canopy Corridors will be included in the following stages and open for further comments and refinement. The width of the road corridors has been considered and is sufficient for anticipated use. Prior to any development of these, there would be a design phase during which adjoining landowners would certainly be encouraged to participate.</p>	
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<p>Roy Costa for JW & AM Muller</p> <p>[REDACTED]</p>	11	<p>Principal concern centred around staging of development</p> <p>Requests prioritisation of rezoning of land to larger lot residential zone</p> <p>Land within development cell C</p> <p>Suggests existing surrounding development context is one of larger lot residential, and unsuitable for agricultural use</p>	<p>Noted, but the characteristics identified by the submitter could be used across most of the study area.</p> <p>Cell C is likely to rely in the development of infrastructure within Cell B to manage drainage and so if not appropriate as the first Cell. Cell C would also fail to achieve a number of other objectives relating to provision of larger scale parkland and activation of existing zoned land.</p> <p>In addition, feedback from LMW indicates Cell C may need to be redesignated as 'green wedge' if consideration is given to protection of LWM infrastructure and service delivery.</p>	N
<p>Michael Malcotti for Est Late S & M Malcotti</p> <p>Roy Costa for M Malcotti</p>	12, 12A & 12B	<p>Objects to green wedge designation</p> <p>Land within green wedge area, behind commercial and residential development on Eleventh Street, and points to retail potential of the strip</p> <p>Requests rezoning to larger lot residential</p>	<p>Further detail around the 'green wedge' should be added to the Vision document to make it clearer that residential or commercial development cannot be supported and the green wedge designation seeks to provide a clear range of other uses (beyond the highly restrictive Farming Zone which currently applies) provided overarching objectives are met. It is not intended to replicate Melbourne's green wedges.</p> <p>There is not strategic justification for rezoning of this land to support higher density residential development. There has been no demand identified for additional retail uses or a new activity centre.</p> <p>It is further noted that the identification of the land as a green wedge does not differ from its current zoning (farming).</p> <p>Characteristics identified to support a rezoning to residential development are shared by much of the study area.</p>	N

<p>Steven McGlashan [REDACTED] (Save Cowra Avenue)</p>	13	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p> <p>Suggests future conflict of industrial/residential</p> <p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between residential and industrial uses is a preferred planning outcome.</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes.</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community.</p>	N
<p>Mal Giddings [REDACTED] (Save Cowra Avenue)</p>	14	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p> <p>Suggests future conflict of industrial/residential</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between residential and industrial uses is a preferred planning outcome.</p> <p>Traffic will be considered further in the development of the Framework Plan,</p>	N

		<p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community</p>	
<p>A & M Trimboli [REDACTED] (Save Cowra Avenue)</p>	15	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p> <p>Suggests future conflict of industrial/residential</p> <p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between residential and industrial uses is a preferred planning outcome..</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p>	N

			The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community	
Maxine and Robert Marshall [REDACTED] (Save Cowra Avenue)	16	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p> <p>Suggests future conflict of industrial/residential</p> <p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between residential and industrial uses is a preferred planning outcome.</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community</p>	N
Leslie Waters [REDACTED] (Save Cowra Avenue)	17	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between</p>	N

		<p>Suggests future conflict of industrial/residential</p> <p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>residential and industrial uses is a preferred planning outcome..</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community</p>	
<p>Dawn Goullet</p> <p>[REDACTED]</p> <p>(Save Cowra Avenue)</p>	18	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p> <p>Suggests future conflict of industrial/residential</p> <p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between residential and industrial uses is a preferred planning outcome.</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This</p>	N

			<p>would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community</p>	
Jason Earle (Earle Civil)	19	<p>Objects to light industrial rezoning</p> <p>Suggests Cowra Avenue as more appropriate for linear forest corridors than industrial development</p> <p>Cites current student bicycle usage, inappropriateness of Cowra Ave for heavy vehicle traffic, existing drainage issues, unsuitable infrastructure</p> <p>Not a consideration within the scope of the framework plan – Comments on prior planning decisions regarding buffer area impacting landowners</p> <p>Suggests unsuitability of Eleventh Street as an active corridor w/ bicycle & pedestrian use, suggests Fourteenth as more appropriate alternative</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>A 'light industrial' zoning provides for a flexible range of uses appropriate in this area. It is also noted that this provides a transition or 'buffer' between the existing industrial uses along Benetook and the residential and community uses on the opposite (south-eastern) side of Cowra Avenue. Using a road corridors and linear forest to provide a buffer between residential and industrial uses is a preferred planning outcome..</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community</p> <p>Eleventh Street has also been carefully considered as an active transport corridor. The preparation of the Framework Plan will provide further detail on how this will be delivered, which can be considered further by submitters during exhibition of that document.</p>	N

CR & CI Cooke [REDACTED]	20	Requests priority rezoning to residential Land within development cell O	Commencing development with Cell O would not be in accordance with the principles of orderly planning which Council is required to follow.	N
Roy Costa for A & A Panagiotaros - [REDACTED]	21	Request land be rezoned for urban use (commercial / industrial). Land opposite an industrial estate, and suggests characteristics means it is a logical choice for additional similar development. Objects to 'green wedge' designation as not agricultural area.	While the characteristics of the land are noted, it is the objective of this project to identify the areas which provide the best strategic outcomes, given numerous requests for urban development will be received. There is no demonstrated demand for additional industrial development beyond that which can be accommodated in the area identified in the V&KD report, which has more advantages than the land subject to the request. Any future identification of Industrial land may be identified through an Industrial or employment land study, which would consider more holistically the optimal location for such uses. It is further noted the land is currently under vine as is adjoining parcels.	N
Richard Sexton [REDACTED]	22	Supports the framework Requests rezoning to residential at appropriate time Land within development cell N	Support noted.	N
V & M Ghidinelli [REDACTED]	23	Land within development Cell P and Green Wedge Supports rezoning to residential in cell P Requests rezoning of land within Green Wedge to residential, citing observed decline in economic viability of land	Support noted. The viability of the land for farming is also acknowledged and is a reason alternate uses may be facilitated. However, there is not sufficient demand to identify any further land for residential or commercial development, beyond Cell already identified, which have more strategic justification.	N
Colin & Sandra Clarke [REDACTED]	24	Land within Green Wedge planted with natives and used for bees. Objects to Green Wedge designation given impact on future financial plans.	The proposed green wedge does not change the current status of the land (which is zoned for farming).	N

Lorraine Argus & Ian Tinker [REDACTED]	25 25A	Requests clarification on boundary of development cells Land on Koorlong Avenue within/adjacent to development cell O	This parcel is likely to be outside but it should be noted that further work undertaken through the development of the Drainage Plan will confirm this, as the indicative cell edge alignment relates to the Irymple catchment.	N
David Arnold	26	<p>Objects to light industrial rezoning</p> <p>Cites traffic concerns between Eleventh and Fifteenth Streets, past residential development and a school</p> <p>Suggests illogical zoning of industrial and residential is inefficient in terms of existing drainage infrastructure and future buffering required</p> <p>Suggests future conflict of industrial/residential</p> <p>Objects to designation of green corridors along Eleventh Street and Sandilong Avenue, suggests alternatives Cowra Ave and Fourteenth Street</p>	<p>The rationale for the identification of this land is outlined in the Vision & Key Direction document.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>Traffic will be considered further in the development of the Framework Plan, but it is noted the area has easy access to Fifteenth Street corridor and that existing industrial development already fronts Cowra to the north of the proposed area.</p> <p>The Industrial 3 zone is designed to act as a buffer between more traditional 'industrial uses' as along Benetook and residential / community uses. The alternate proposed would mean a more direct interface between industrial and residential development without the benefit of a road separation. This would also further compromise the development of the industrial land fronting Benetook which will be encouraged by the proposed changes</p> <p>The identification of the Canopy Corridors has been carefully considered in terms of serving the broader movement needs of the community.</p>	N
William & Helen Panagiotaros [REDACTED]	27 & 27A	Identifies that previous studies identified all land in Cell B, down to Eleventh Street as future residential land. Queries why this land has not been rezoned while other parcels have been.	The previous study identified by the submitter is acknowledged but has not been translated into the Mildura Planning Scheme. Mildura South was identified as the key growth front and is where council investment in infrastructure has been directed for the last decades. The Mildura Housing	Y

		<p>Requests clarification as to when this was changed and why lots closest to Eleventh Street have been excluded.</p> <p>Queries why land was purchased in area prior to public knowledge of this Vision document</p> <p>Queries delivery of the green wedge and how this will be facilitated.</p>	<p>and Settlement Strategy identified the potential for a second growth front, but this needs to be based on identified demand and cannot compromise existing council investment in infrastructure in Mildura South.</p> <p>Given the final boundary of the catchment it is reasonable to consider the inclusion of part of this area as Cell B, and to use further work through the Drainage Strategy to identify the final boundary of this Cell. Noting also feedback received from LWM regarding other cells identified. This would not change the anticipated 'larger lot' designation of this area, and would not guarantee the whole area would be included but that it would be investigated further as part of the Framework Plan / Drainage Plan stage.</p> <p>Comments re consultation noted and are relevant to the undertaking on engagement during the next phases of the project. They will be given due regard, and direct notification of landowners is likely to occur both at the Framework stage and also as part of any subsequent planning scheme amendment.</p> <p>Further detail around the 'green wedge' should be added to the Vision document to make it clearer that residential or commercial development cannot be supported and the green wedge designation seeks to provide a greater level of certainty and a clear vision for the area on that basis. The designation of a 'green wedge' is indicative of the type of future visions for this area – it is not intended to be a reflection of the current conditions of the land.</p>	
<p>Sandra Ferry (Principal, Henderson College)</p> <p>[REDACTED]</p>	28	<p>Requests information on:</p> <ul style="list-style-type: none"> - Specifics of Public Realm Master Plan Focus Area - Types of buildings in light industrial area - Potential for additional canopy corridors - Potential loss of frontage due to the road development and linear urban forest development - Impacts on existing entry points 	<p>Further details on the masterplan focus area will be provided through the Framework Plan but would be subject to its own process which would include consultation with key stakeholders such as Henderson College.</p> <p>Industrial 3 Zone is a 'light' industrial area and is likely to accommodate sheds, small retail shop fronts. More recently a greater range of uses are establishing in I3Z areas including other 'community' uses such as dance studios, churches etc. The form of building is likely to vary. If a need for a setback of buildings to allow for landscaping in the front setbacks to screen development is required, this can be achieved through the application of</p>	N

		<p>Would like to know if traffic on Cowra has been considered and if a service road is likely.</p> <p>Would like to know who would be responsible costs.</p>	<p>planning controls such as a Design and Development Overlay.</p> <p>Further investigations of traffic will occur as part of the development of the Framework Plan and pedestrian safety will be a key concern. Similarly development costs will be born by those who develop their land or paid for by Council rates. Further detail on this would be provided in following stages</p> <p>Ideally there would be canopy vegetation provided along all street corridors but it is important that the framework identifies key corridors for early action.</p> <p>There will be no impact on Henderson College in terms of frontage etc, and the details of these interfaces would be resolved through finer grain design, which would involve consultation with the College as a key landowner.</p>	
DoT	29	<p>Outside of scope of study area – notes opportunities to improve the urban design along transition area of Mildura/Irnyple</p> <p>Supportive of Eleventh Street movement corridor designation - Necessity of bicycle corridor along Eleventh Street to be designed for all ages and abilities, and connect with local networks</p> <p>Development of active transport adjacent to rail must consider successful freight network operation</p> <p>Bus service expansion to study area supported, but may require to be staggered based on settlement demand</p>	<p>Opportunities for improvement noted.</p> <p>Support for Eleventh street corridor noted, and further design principles etc will be developed through the Framework Plan</p> <p>The rail corridor active transport route has been anticipated to occur alongside continuing, albeit infrequent, freight rail services.</p> <p>Bus services would certainly be staggered but key routes connecting existing residential pockets may be explored as part of Framework Plan.</p>	N
DET <i>(late submission)</i>	30	<p>Identifies that DET is the landowners of college lease lands within the study area</p> <p>Identifies that the need for additional schools etc cannot be confirmed at this stage, but that</p>	<p>Unlike many other areas of Mildura, there are only a handful of college lease lands within the Mildura East area, but engagement with DET on the future of these parcels should be continued through the Framework Plan preparation.</p>	N

		<p>conversations should continue.</p> <p>It is unlikely that the rate of quantum of population within this area would require the establishment of a new school. However, it is understood that both Irymple and Nichols Point PSs are at or near capacity so the need for expansion of these schools will need to be monitored as the area develops.</p> <p>It is also noted that a new school is proposed for the second stage of the Mildura South Growth Area, south of Sixteenth Street and Deakin Avenue which may provide an alternate school for some students currently accessing the Irymple PS. More detailed figures on expected populations across time will be included in the Framework Plan.</p>	
<p>James Goldsworthy for Peter and James Kedmenic - [REDACTED]</p>	31	<p>Outlines the intentions of the document and support these.</p> <p>Supports the identification of Cell P for the purposes of residential development.</p>	<p>Support noted.</p> <p>N</p>

MILDRUA EAST GROWTH AREA FRAMEWORK PLAN: VISION & KEY DIRECTIONS – RESPONSE TO SUBMISSIONS – PROPOSED CHANGES	
Page #	Change
9	Vision Statement carried through to Phase 2 (Framework Plan preparation) will remove references to ‘green wedge’ and utilise an alternate terms which reflects the ‘non-urban’, but diversified vision for the area with a higher amenity and tourism value (following the example of areas like the Barossa Valley and increasing connection between the ‘main urban area’ and Kings Billabong). References to the interaction between linear open space and open irrigation channels needs to be softened to reflect LWM concerns about risk management and impacts on agriculture.
12	References to Cells C and D would need to be removed and identification of Cells reassess / renamed as part of Phase 2 Size of Cell B would need to be adjusted to reflect proposed expansion. If Cell B is split into two cell in response to drainage management, an additional Cell would be added
13	Cells C and D would be removed on any Framework Plan. Cell B will be expanded north to Cureton and south to Eleventh Street. Depending on drainage impacts, this may result in the Cell being split into two stages. Cell E may be adjusted based on resolution of pump line issues but this will be investigated as part of Phase 2. Additional sub-catchment boundaries may also inform outcomes.
15	The Framework Plan calculations of land requirements will also include reference to most recent ‘new build’ data from Council and most recent ABS data releases – neither of these require change to the V&KD, but provide additional support of the current projections.
16	The Framework Plan will refer to green corridors, rather than ‘blue green’ corridors
18	Green link along the open irrigation channel in Cells E, D and C will be removed. If Cell E is retained, a connection from the proposed local node to the open space corridor within the Nichols Point Development Plan are will be added. The irrigation channel would be shown as blue as per channel in the ‘green wedge’ area. Extent of ‘non-urban area’ / green wedge would be adjusted to reflect the removal of Cell C and D and location of ‘edge’ landscape treatments consequentially adjusted.
19	References to ‘green wedge’ will be phased out during the Framework Plan stage and so Key Directions 2 and 3 would need to be adjusted accordingly to reflect the intention of this area as a ‘non-urban’ area, accommodating agricultural, tourism, biodiversity and other compatible, and campus style uses.
20	As per above, references to ‘green wedge’ area will be modified through the second phase of this project. References to appropriate zoning for consideration will be clarified, but would include consideration of zones such as the Special Use Zone, which would allow the outcomes in this area to reflect its unique characteristics.
21	Boundaries of areas would be adjusted to reflect changes to Cells B, C and D.
24	Adjustments to mapping t reflect changes to cell boundaries, green wedge references and irrigation channel.
27	Adjustments to mapping t reflect changes to cell boundaries, green wedge references and irrigation channel.
Also note proposed change to <i>Key Issues Report</i> (which will be updated) to include the buffer related to the existing concrete batching plant.	



14 April 2022

2022/023062

MR PETER DOUGLASS
STRATEGIC PLANNING COORDINATOR
MILDURA RURAL CITY COUNCIL
PO Box 105
MILDURA VIC 3502

Dear Sir

MILDURA EAST GROWTH AREA STRATEGIC FRAMEWORK - DRAFT VISION & KEY DIRECTIONS REPORT

Thank you for the ongoing consultation and the opportunity for Lower Murray Water (LMW) to provide comment on the Mildura East Growth Area (MEGA) Strategic Framework - Draft Vision & Key Directions report prepared by Hansen Partnership.

LMW understands and supports the need to establish a clear framework to guide staging of rezoning and decisions on planning applications and investment opportunities within the study area. A clear framework will assist LMW's long-term planning and future infrastructure investment across the MEGA.

Through the consultation process LMW has discussed the complexity of our rural infrastructure and issues associated with managing irrigation and rural drainage within the study area whilst supporting residential development. We have indicated that to enable us to roll back rural infrastructure from residential development our preference would be for development to sequence in an orderly manner from the existing residential fronts in Mildura East and infill the land between Cowra Ave, Sandilong Ave, 14th Street and 5th Street.

The MEGA Draft Vision & Key Direction report has identified land between Mildura East and Nichols Point as future development fronts whilst maintaining a 'green wedge' between the Nichols Point and Irymple settlements. The report notes that land within the 'green wedge' will continue to require access to LMW's rural water services. This would require LMW to retain significant infrastructure (open irrigation channel, re-lift pump station and rural drainage) within land proposed for future residential development to enable irrigation supply to the 'green wedge', and also maintaining services to the farming land north of Cureton Ave (outside the study area).

Mildura (Head Office)

T 03 5051 3400
741-759 Fourteenth Street
Mildura Victoria 3500
PO Box 1438
Mildura Victoria 3502
AUSDOC DX 50023

Swan Hill (Area Office)

T 03 5036 2150
73 Beveridge Street
Swan Hill Victoria 3585
PO Box 1447
Swan Hill Victoria 3585
AUSDOC DX 30164

Kerang (Area Office)

T 03 5450 3960
56 Wellington Street
Kerang Victoria 3579
PO Box 547
Kerang Victoria 3579
AUSDOC DX 57908

E contactus@lmw.vic.gov.aulmw.vic.gov.au

ABN 18 475 808 826

All Emergencies
1800 808 830



LMW strongly opposes changing the land use from farming to low density residential for the areas identified as C, D & E in Figure 9 of the Draft Vision & Key Direction. These areas contain vital rural irrigation infrastructure that is required to be maintained to provide rural water supply to land within the 'green wedge', and to the north of Cureton Ave, as well as the proposed development cells C, D & E. It is not appropriate to have this infrastructure, which includes an open irrigation channel and re lift pump station, located in residential land. The cost to augment LMW's irrigation network to accommodate residential development that segregates irrigated farmland would be significant and an unreasonable financial burden on our rural customer base. The land within cells C, D & E is prime horticultural land due to the sandy loam soils located predominately along the elevated sections of cells C,D &E.

In order for LMW to provide cost effective services to our irrigation customers we require high-capacity utilisation of the existing irrigation and drainage assets. By developing residential areas which segment irrigation areas but still require essentially the same assets to provide services, negatively impacts on LMW's ability to provide cost effective services. If LMW can decommission irrigation assets in an orderly manner as residential development expands, the reduction in capacity utilisation can be offset by a reduction in asset base. This can not be achieved under the current proposal.

In summary, LMW believes the parcels of land identified and cells C, D & E should remain zoned as farming land. Additionally, if there is a requirement to identify alternate land within the MEGA for residential purposes, this should be the land between Cowra Ave, Sandilong Ave, 14th Street and 5th Street as it allows LMW to roll back rural infrastructure as the Mildura East development front extends. This would avoid having rural infrastructure within residential areas and the many operational risks this presents.

LMW remains committed to continuing the open dialogue which has and is continuing as this important piece of work is progressed.

Should you require further information please contact me on 5036 2151 or via email David.Girdwood@lmw.vic.gov.au

Yours faithfully



DAVID GIRDWOOD
GENERAL MANAGER INFRASTRUCTURE SERVICES

14.3 OLD AERODROME SPORTING COMPLEX - SOCCER PARK LIGHTING UPGRADE FUNDING PROPOSAL

File Number: 16/02/04
Officer: Acting General Manager Community

1. Summary

The purpose of this report is to seek reconfirmation of the endorsement from Council to contribute \$160,488.89 from the 2022-23 Capital Works Program to install competition standard lighting at the Old Aerodrome Sporting Complex (OASC) Soccer Park, subject to the successful outcome of another funding application to Sport and Recreation Victoria's (SRV) World Game Facilities Fund (WGFF).

The report will also seek endorsement from Council for the formal inclusion of the Old Aerodrome Sporting Complex Soccer Park Lighting Upgrade into the Old Aerodrome Sporting Complex Master Plan. The Old Aerodrome Sporting Complex Master Plan is expected to be endorsed in June 2022 however by endorsing the project at this time it will demonstrate to the funding body that the project has the support of Council and will ensure it is included into the Master Plan when adopted.

2. Recommendation

That Council:

- (i) endorse a second submission for an application to Sport and Recreation Victoria's 2021-22 World Game Facilities Fund to install competition standard lighting at the Old Aerodrome Sporting Complex Soccer Park;**
- (ii) re-confirm the allocation of \$160,488.89 (excluding GST) from the 2022-23 Capital Works Program for the installation of competition standard lighting at the Old Aerodrome Sporting Complex Soccer Park subject to a successful funding application to Sport and Recreation Victoria;**
- (iii) note the community consultation undertaken as part of the proposed competition standard lighting at the Old Aerodrome Sporting Complex Soccer Park; and**
- (iv) endorse the inclusion of competition standard lighting at the Old Aerodrome Sporting Complex Soccer Park as part of the Old Aerodrome Sporting Complex Masterplan prior to the Masterplan being adopted in its entirety.**

3. Background

At the ordinary Council meeting in October 2022, Council resolved to:

- i. endorse a submission for an application to Sport and Recreation Victoria's 2021-22 World Game Facilities Fund to install competition standard lighting at the Old Aerodrome Sporting Complex Soccer Park; and
- ii. allocate \$160,488.89 (excluding GST) from the 2022-23 Capital Works Program for the installation of competition standard lighting at the Old Aerodrome Sporting Complex Soccer Park subject to the successful funding application to Sport and Recreation Victoria.

Mildura Rural City Council's (Council) Recreation Planning and Development (RPD) team received notification from SRV on 3 March 2022 that the lighting project was not successful for funding. In response to this notification, feedback was requested to understand how the application could be improved.

The limited feedback provided by Jesse Sherwood, Regional Manager (Loddon Mallee) SRV centered on the Old Aerodrome Sporting Complex (OASC) Masterplan being in draft format and not being formally endorsed by Council. SRV strongly recommended a resubmission into the current round of the WGFF and suggested addressing the Masterplan endorsement issue ahead of submitting the application.

Football Federation Victoria (FFV) have also contacted Council staff to recommend a resubmission into the current round of funding for this project. This project has strong support from FFV and it is considered a priority project.

Submissions into the current round of the WGFF are due by 5.00pm on 9 May 2022.

4. Consultation Proposed/Undertaken

Detailed consultation has been undertaken between RPD staff and relevant stakeholders on this project. This includes the creation of design documents in partnership with Football Federation Sunraysia as well as Football Federation Victoria.

Given the nature of the project and potential to impact on neighbouring residents, a letter box drop was undertaken to notify the residents of the project. No feedback was received as a result from this process.

A targeted social media process was undertaken to notify the general community of the proposed project. 56 submissions were received during the public consultation with only one submission raising concerns over the project. A summary of this feedback was provided to Councillors as part of the Forum Briefing Note.

5. Discussion

The OASC Masterplan still requires the following actions to be completed before being submitted to Council for endorsement:

1. Formal endorsement by reserve user groups
2. Presentation to Councillors via Forum on the draft plan
3. Public exhibition to request feedback from the community
4. Presentation to Councillors via Forum on community feedback (if required)
5. Council endorsement.

The time required to undertake the above work will mean it is not possible to receive Council endorsement for the Masterplan prior to the closing date of the funding program.

With this, it is recommended to seek endorsement from Council for the individual lighting project to be included in the Masterplan prior to endorsing the entire Masterplan. Thorough community consultation has been undertaken on the project to ensure the feedback of the general community were understood. This consultation involved several social media posts notifying the community of the project and

requesting feedback, as well a specific letter box drop to neighbouring residents. The outcome of the consultation delivered a number of positive responses, with 56 submissions being received during the public consultation and only one submission raising concerns over the project.

6. Time Frame

The due date for the funding application is 9 May 2022.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Community

Outcome to be achieved:

- Health and wellbeing is promoted for everyone that lives, learns, works and plays in our community.

8. Asset Management Policy/Plan Alignment

The usage, maintenance and replacement costs for this asset will be the responsibility of Council, however the use of the lights will incur a fee for hire. The setting of this fee incorporates both electricity costs as well as maintenance costs.

The income generated through the hire and use of the lights will off-set the on-going operational and maintenance costs based on estimated usage and hire.

9. Implications

Policy

This proposal aligns with the Funding and Capital Contributions Policy for Sporting and Recreation Facilities Policy CP030.

Legal/Statutory

There are no statutory impacts associated with this report.

Financial

A financial commitment of \$160,488.89 is required from Council to support this project. This amount has previously been approved by Council as part of the previous application and remains the same.

Environmental

Increase in energy consumption and emissions will be experienced as a result of this project. The design utilises energy efficient LED technology with costs for usage to be recovered.

Social

There are no social impacts associated with this report.

Economic

There are no economic impacts associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Project cost over runs.	Independent costing provided by electrical engineer and local contractor.	Low

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.4 MURRAY DARLING ASSOCIATION INC. REGION 4 - NOMINATION ENDORSEMENT FOR POSITION OF CHAIR

File Number: 19/01/04
Officer: General Manager Corporate

1. Summary

The purpose of this report is to obtain in principal support for Cr Jason Modica to place a nomination for the position of Chair for the Murray Darling Association Region 4 at the upcoming Murray Darling Association Inc. Region 4, 2022 Annual General Meeting and detail within the report the following requirements and responsibilities of the Chair and administration support that would be required of Council should Cr Modica's nomination be successful.

2. Recommendation

That Council:

- i. Provide in principal support for Cr Jason Modica to submit a nomination for the position of Chair for the Murray Darling Association Region 4 at the Murray Darling Association Inc. Region 4, 2022 Annual General Meeting; and**
- ii. Provide a statement of commitment with a copy of this resolution acknowledging that Council understand and will support the inherited Council obligations associated with the Chair position.**

3. Background

Cr Modica has expressed an interest in being the Chair for the Murray Darling Association Inc, (MDA) Region 4 and would like to submit a nomination for consideration to the MDA. Region 4, 2022 Annual General Meeting that is being held on 31 May 2022.

4. Consultation Proposed/Undertaken

Cr Modica has discussed his desire to nominate as MDA Region 4 Chair at the 2022 AGM with the CEO and with the Mayor. Cr Modica raised this subject for discussion with the Councillors.

5. Discussion

The current MDA Region 4 Chair is Tim Elstone and this position is supported via the Wentworth Shire Council Executive Assistant to General Manager.

The MDA have advised that nominations should include:

- a) A completed Nomination Form;
- b) A copy of the council minute extract including the resolution of council acknowledging their commitment to and endorsement of their delegate's nomination. A brief biography or CV of the nominating delegate.
- c) A brief biography or CV of the nominating delegate

- d) A statement of commitment from council acknowledging the obligations of the Region. Chair under Part 5, 16 (5) of the MDA Constitution (for nominations to Regional Chair).

Please note the following extract from the MDA Constitution – Obligations of the Chair under Part 5, 16 (5) of the MDA Constitution.

- (5) The chair of the Region Executive is the chair of the Region, provided further:
- (a) the chair must demonstrate both the initial and ongoing capacity to provide secretariat support for the activities of the Region;
 - (b) when the position of the chair becomes vacant for any reason, the Region Executive may appoint a temporary chair and a new chair must be appointed at the next Region Meeting;
 - (c) the chair must ensure minutes and other necessary records of Region Executive and Region Meetings are taken, kept and provided regularly to the MDA Board.

Should Cr Modica wish to submit a nomination he will be required to complete requirements a) and provide a brief biography or CV as required above.

Council will provide a supporting statement of commitment that will include a copy of this reports endorsed resolution to Cr Modica for him to submit his nomination.

Cr Modica must lodge his endorsed nomination with the Returning Officer by email to m.lamb@mda.asn.au no later than close of business: Thursday 19 May 2022.

Should Cr Modica's nomination be successful, the MDA Region 4 administrative requirements would also carry over with the position of the Chair. It would be the responsibility of Mildura Rural City Council's Executive Services Team to provide this additional administration and meeting support.

Administration Requirements that become the responsibility of the Council who has the Appointed Region 4 Chair include the below (but not limited to):

- Arranging four meeting per year - three general meetings and one Annual General Meeting.
- Arranging and Booking venues.
- Meeting MDA Advertising requirements.
- Preparation and distribution of Agenda and Minute documents.
- Administration attendance at meetings to take minutes.
- Capability to provide videoconferencing (if in-person attendance is not possible or if hybrid meeting set-up is required).
- Maintaining a Region 4 distribution lists (MDA Delegates list /MDA Council Administration list)
- Distribution of information provided from the MDA.
- Preparation/Collation of Motions from Region 4 that go to the Annual National Conference.
- Other requirements as identified.

6. Time Frame

Council endorsement must be sought at the April Ordinary Council Meeting to meet MDA nomination submission timeframes.

Cr Modica must lodge his endorsed nomination with the Returning Officer by email to m.lamb@mda.asn.au no later than close of business: Thursday 19 May 2022.

The MDA will hold their AGM on 31 May 2022.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcome/s to be achieved:

- Effective governance to deliver results in line with community expectations
- Advocate on behalf of the community to address needs and priorities
- Collaborative leadership and partnerships that build capacity and increase opportunities

8. Asset Management Policy/Plan Alignment

Operational cost associated with administration required to support the MDA Region 4 Chair will be contained within Council's Executive Services Team 2022/2023 operational budget.

9. Implications

Policy

There are no direct policy implications with this report.

Legal/Statutory

There are no statutory requirements with this report.

Financial

Operational cost associated with administration required to support the MDA Region 4 Chair will be contained within Council's Executive Services Team 2022/2023 operational budget.

Environmental

There are no direct environmental implications with this report.

Social

There are no economic implications with this report.

Economic

There are no economic implications with this report.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks			Controls	Residual Risk
Reputational	Risk	-	Should the nomination be successful Executive Services	Low

Administration Support	would: <ul style="list-style-type: none">i. Develop a promapp process to ensure that MDA Administration requirements are identified.ii. Request a formal handover with the existing Council that supports the MDA Region 4 Chair.	
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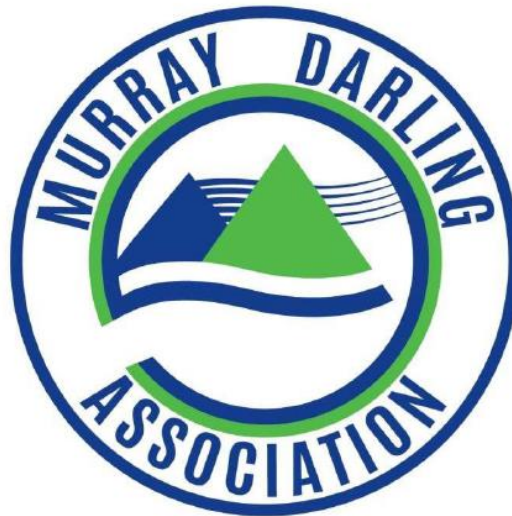
Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

1 MDA Constitution



It's in the Balance

Murray Darling Association Inc.

An incorporated association under the Associations Incorporation Act 2009 (NSW)

Incorporation No: Y0431747

CONSTITUTION

v. 2020

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CONSTITUTION

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Constitution

Part 1 – Preamble

1. *Origins and Background*

The Murray Darling Association Incorporated is the name adopted for the organisation named "Murray Valley League for Development and Conservation Incorporated" (1979) which itself derived from the "Murray Valley Development League" which was established by resolution of the Yarrawonga Conference (August 1944) and the South Australian Regions at the Murray Bridge Conference (December 1944).

2. *Vision*

The MDA works to achieve a healthy and environmentally balanced Basin river system that supports thriving communities, economic development and sustainable productivity.

3. *Purpose*

To provide effective representation of local government and communities at state and federal level in the management of Basin resources by:

- (1) providing information;
- (2) facilitating debate; and
- (3) seeking to influence government policy.

4. *Objectives*

The objectives of the MDA are to:

- (1) advocate on behalf of Basin communities;
- (2) use local knowledge and expertise to fully understand regional issues;
- (3) act as a two-way conduit for information and discussion between our communities and governments;
- (4) encourage and facilitate debate about relevant issues that matter for the Basin's future;
- (5) explore options to achieve sound solutions to regional issues;
- (6) test information to ensure a sound base for those options;
- (7) be an educational resource for the Basin.

Part 2 – Definitions

5. Definitions

(1) In this Constitution:

Act means the *Associations Incorporation Act 2009* (NSW).

Basin means the Murray-Darling Basin.

Board means the governing body of MDA and which is the committee for the purposes of the Act.

Board Meeting means a meeting of the Board of the MDA.

CEO means the chief executive officer of the MDA.

Constitution means this constitution as amended from time to time.

Code means a code prepared and adopted by the Board in respect of MDA processes, membership, conduct or like matters.

Delegate means a person who may attend, participate, represent and vote at a MDA Meeting, including:

- (i) a Member Council Delegate; or
- (ii) a Region Delegate; or
- (iii) a Life Member.

Individual Member means a person accepted as a Member.

Life Member means a Member appointed as a Life Member as described in this Constitution.

MDA means the association incorporated under the Act known as “Murray Darling Association Inc”.

MDA Meeting means a general meeting, special general meeting or the annual general meeting of the MDA.

Member means a financial member for the time being of the MDA and includes:

- (i) Member Council;
- (ii) Organisation Member;
- (iii) Individual Member;
- (iv) Life Member.

Member Council means a local government municipal entity which has satisfied and maintains the requirements for membership of the MDA.

Organisation means a company, corporation, association, body corporate, partnership, government or statutory authority, community service or not for profit organisation or other legal body (other than a Member Council).

Organisation Member means an Organisation accepted as a Member.

Proxy means the authority to represent, act and vote on behalf of a Delegate at a MDA Meeting or Representative at a Region Meeting.

Region Meeting means a meeting of Members located in a Region.

Public Officer means the person holding office under this Constitution as the public officer of the MDA.

Region means an area made up of particular local government municipalities so determined, from time to time in accordance with this Constitution.

Region Executive means the managing executive of the Region as detailed in this Constitution.

Regulation means the *Associations Incorporation Regulation 2010* (NSW).

Representative means a person who may attend, represent and vote on behalf of a Member Council or Member Organisation at a Region Meeting, including a Representative who is:

- (i) a Member Council Representative;
- (ii) an Organisation Representative.

Special Resolution means a vote of 75% of:

- (i) Delegates at a MDA Meeting; or
- (ii) Representatives and Members at a Region Meeting.

(2) In this Constitution:

- (a) a reference to a function includes a reference to a power, authority and duty;
- (b) a reference to the exercise of a function includes, if the function is a duty, a reference to the performance of the duty;
- (c) a reference to a person includes a natural person (individual), company, corporation, body corporate or other body (whether or not the body is incorporated);
- (d) a reference to an authority, institution, association or body ("**original entity**") that has ceased to exist, been reconstituted, renamed or replaced or whose powers or functions have been transferred to another entity, is a reference to the entity that most closely serves the purposes or objects of the original entity.

(3) The provisions of the *Interpretation Act 1987* (NSW) apply to and in respect of this Constitution in the same manner as those provisions would so apply if this Constitution were an instrument made under the Act.

Part 3 – Membership Categories

6. *Membership categories and rights*

- (1) The table below sets out the categories which comprise the membership of MDA, together with particular qualifications and the rights associated with each category.

Category	Category qualification	Category rights for Region Meeting	Category rights for MDA Meeting
Member Council	Local government entity, located within a Region, which is a current Member.	To appoint 2 Representatives, plus an additional Representative for every 20,000 of population (or part thereof) of the municipality above the first 20,000, up to a further 3, for a maximum total of 5 Representatives. To have its Representatives attend, participate and vote on its behalf at a Region meeting.	To appoint 1 Member Council Delegate, plus an additional Delegate for every 20,000 (or part thereof) of population of the municipality above the first 20,000, up to a further 2, for a maximum total of 3 Member Council Delegates. To have its Delegate(s) attend, participate and vote on its behalf at a MDA Meeting.
Organisation Member	An Organisation, located within a Region, which is a current Member.	To appoint a Representative for a Region Meeting. To have its Representative attend, participate and vote on its behalf at a Region Meeting; to be eligible for election by a Region as a Region Delegate.	Its Representative may attend and participate at a MDA Meeting. If its' Representative is elected as a Region Delegate, to vote as a Region Delegate at the MDA Meeting.
Life Member	As identified in this Constitution or elected as a Life Member.	To attend, participate and vote at a Region Meeting.	To attend, participate and vote at a MDA Meeting as a Life Member.
Individual Member	A person living in a Region who is a current Member.	To attend, participate and vote at a Region Meeting. To be eligible for election as a Region Delegate.	To attend and participate at a MDA Meeting. If elected as a Region Delegate, to vote as the Region Delegate at a MDA Meeting.

- (2) A person or legal entity is eligible to be a Member of the MDA if:
- the person or legal entity meets the category and qualifications set out in the table to sub clause (1) or otherwise in the Constitution for the category of membership sought, and
 - the person or legal entity applies for membership in accordance with clause 21.

- (3) A person or legal entity is a Member if:
 - (a) they or it is an existing Member of the MDA at the date of adoption of this Constitution; or
 - (b) is accepted by the Board as a Member as contemplated in clause 21; and
 - (c) their or its Membership has not ended.
- (4) The Region within which the Member's rights apply is:
 - (a) for a Member Council, the Region it is located in;
 - (b) for an Individual Member or a Life Member, the Region the Member resides in;
 - (c) for an Organisation Member, the Region the Organisation is located in or if in more than one region, the Organisation may select its Region.
- (5) A Member will retain all rights in relation to the relevant membership category unless or until:
 - (a) a Member resigns as a Member;
 - (b) subject to clause 6(5)(c), the membership is suspended or ended at the direction of the Board;
 - (c) in the case of a Member Council such membership may only be suspended or ended by a vote at a MDA Meeting;
 - (d) in a case of an Individual Member or an Organisation Member, membership rights will be suspended at any time the Individual Member or Organisation Member's annual fee is overdue by more than 90 days;
 - (e) if elected as a councillor of a Member Council any Individual Members membership is suspended, whilst the person remains a councillor;
 - (f) if an Organisation Representative is elected as a councillor of a Member Council, then whilst that person is a councillor, the Organisation must nominate an alternative Organisation Representative, otherwise the Organisation Member's membership is suspended.
- (6) A serving councillor of a local government entity or a member of a Member organisation must not:
 - (a) apply to become an Individual Member; or
 - (b) allow an Organisation to apply for membership with that councillor proposed as the Organisation Representative.
- (7) In respect of Life Members:
 - (a) the current Life Members of the MDA are those set out in Schedule 1;
 - (b) the process and regulation in relation to Life Members will be subject to any Code prepared by the Board and adopted at a MDA Meeting.

Part 4 - The Board

7. *Powers of the Board*

Subject to the Act, the Regulation and this Constitution and to any resolution passed by the MDA, the Board:

- (a) is to control and manage the affairs of the MDA, and
- (b) may exercise all such functions as may be exercised by the MDA, other than those functions that are required by this Constitution to be exercised by a MDA Meeting, and
- (c) has power to perform all such acts and do all such things as appear to the Board to be necessary or desirable for the proper management of the affairs of the MDA, and
- (d) has the power to make policies or Codes for the proper conduct of the MDA which will be binding on Members to the extent not inconsistent with this Constitution.

Without limiting the above, the Board may, without the need for any further resolutions to be passed at a MDA Meeting:

- (a) provide, monitor and manage good governance processes;
- (b) carry out a direction from a MDA Meeting;
- (c) prepare, manage and monitor an annual budget;
- (d) take steps to obtain the necessary resources for the MDA to continue its role;
- (e) appoint, manage and if required dismiss any of a chief executive officer, Public Officer and auditor;
- (f) monitor and review the organisation's performance;
- (g) appoint any sub-committee to address issues and carry out activities on behalf of the Board;
- (h) appoint staff to address issues and carry out activities on behalf of the Board.

8. *Composition of the Board*

- (1) The Board will comprise each of the chairs of the Regions of the MDA existing from time to time.
- (2) On an annual basis, at a Board Meeting, the Board will elect:
 - (a) a President;
 - (b) a Vice President; and
 - (c) a Treasurer (as provided in clause 8(3));
 to serve for the financial year.
- (3) The Board must appoint a Treasurer of the Board. The Treasurer:
 - (a) must have, in the reasonable opinion of the Board, appropriate qualifications in accounting or a like field or otherwise have sound financial expertise;
 - (b) may be a Board member, an Individual Member or an Organisation Representative; and
 - (c) if the Treasurer is not a Board member, the Treasurer will attend Board Meetings upon request of the Board.

9. Public officer

- (1) The Public Officer of the MDA must, as soon as practicable after being appointed as Public Officer, lodge notice with the MDA of his or her address. The Public Officer may be the Chief Executive Officer.
- (2) It is the duty of the Public Officer to ensure that minutes are kept of:
 - (a) all appointments of office-bearers and Board members and its sub-committees, and
 - (b) the names of the Board members present at a Board Meeting or a MDA Meeting, and
 - (c) all proceedings at Board Meetings, sub-committee meetings and MDA Meetings.
- (3) Minutes of proceedings at a Board Meeting must be signed by the President as chairperson of the meeting or by the chairperson of the next succeeding meeting.
- (4) It is the duty of the Public Officer to ensure:
 - (a) that all money due to the MDA is collected and received and that all payments authorised by the MDA are made, and
 - (b) that correct books and accounts are kept showing the financial affairs of the MDA, including full details of all receipts and expenditure connected with the activities of the MDA.

10. Casual vacancies

- (1) A casual vacancy in the office of a Board member occurs if the Board member:
 - (a) dies, or
 - (b) resigns or otherwise ceases his or her position or involvement with the Member he or she was elected to represent, or
 - (c) becomes an insolvent under administration within the meaning of the *Corporations Act 2001* of the Commonwealth, or
 - (d) resigns office by notice in writing given to the Public Officer, or
 - (e) becomes a mentally incapacitated person, or
 - (f) is absent without the consent of the Board from 3 consecutive meetings of the Board, or
 - (g) is convicted of an offence involving fraud or dishonesty for which the maximum penalty on conviction is imprisonment for not less than 3 months or other indictable offence, or
 - (h) is prohibited from being a director of a company under Part 2D.6 (Disqualification from managing corporations) of the *Corporations Act 2001* of the Commonwealth, or
 - (i) is prohibited from being a responsible person of a registered charity under the *Australian Charities and Not-for-profits Commission Act 2012*, or
 - (j) is removed as provided in clause 11.
- (2) Upon ceasing to be a Board member the person will also cease to be a chair of the particular Region.
- (3) In the event of a vacancy occurring in the membership of the Board, the Region may appoint a new Chair to the Region to fill the vacancy and until such time the Board will continue its activities minus that Board member.

11. Removal of Board members

- (1) A Board Meeting may, by an ordinary resolution, remove any Board member from that office before the ending of the person's term of office, provided:
 - (a) the Board (by its vote) forms the view (on proper and reasonable grounds) that the relevant Board member has acted in a manner which is substantially prejudicial to the interests of the MDA; or
 - (b) the Board member has committed a serious breach of any Code of conduct for Board, or MDA Members, adopted by the Board.
- (2) A Board Member who is removed under clause 11 (1) shall have the right of appeal. That appeal shall be addressed to the public officer and be acted upon as per clause 27 of this constitution.
- (3) A Board Member who is exercising their right of appeal in 11 (2) (a), shall be suspended from all Board responsibilities until the resolution of that appeal.

12. Board member vacancy

- (1) Upon the occurrence of a casual vacancy under clause 10 or removal of a Board member under clause 11:
 - (a) the relevant former Board member ceases to be the chair of and (if applicable) a Region Delegate on behalf of the relevant Region;
 - (b) the resulting Region vacancy must be filled by the Region as soon as practicable;
 - (c) prior to any re-appointment the Board may continue to operate otherwise in accord with the Constitution.

13. Board meetings and quorum

- (1) The Board must hold at least 8 meetings (at least 2 of which must be face to face) in each period of 12 months, at such place and time as the Board may determine.
- (2) A Board Meeting may be held with use of technology that allows a Board member using the technology and the Board members present at the meeting to clearly and simultaneously communicate with each other. A Board member in attendance using that technology will be deemed to be physically present at the meeting.
- (3) Additional (including emergency) meetings of the Board may be convened by the President (or the Vice President, in the President's absence) as considered necessary or upon the request of 3 Board members.
- (4) Written notice of a meeting of the Board must be given by the CEO or Public Officer to each member of the Board at least 14 days (or such other period as may be unanimously agreed on by the members of the Board) before the time appointed for the holding of the meeting.
- (5) Notice of a meeting given under sub clause (4) must specify the general nature of the business to be transacted at the meeting and no business other than that business is to be transacted at the meeting, except business which the Board members present at the meeting by a majority agree to consider.
- (6) The need for 14 days' notice of a Board Meeting will not apply in the case of an emergency, provided:
 - (a) 48 hours' notice will be sufficient;

- (b) such notice must be in writing and attempted orally with the first oral attempt more than 48 hours before the meeting, acknowledging subsequent oral attempts may occur within 48 hours;
 - (c) the only business that may be transacted at the emergency meeting is the item or items that constituted the emergency as disclosed in the notice;
 - (d) the emergency meeting by a vote of a majority present, must confirm that issue or issues for consideration did constitute an emergency for the meeting and any resolutions from it to be effective.
- (7) A quorum for a Board Meeting will be one more than half of the chairs then appointed by the Regions. (For example if only 10 Regions have a chair, then 6 present will be the quorum.)
- (8) No business is to be transacted by the Board unless a quorum is present and if, within half an hour of the time appointed for the meeting, a quorum is not present, the meeting is to stand adjourned to the same place and at the same hour of the same day in the following week.
- (9) If at the adjourned meeting a quorum is not present within half an hour of the time appointed for the meeting, the meeting will not proceed.
- (10) At a meeting of the Board:
 - (a) the President or, in the President's absence, the Vice President is to preside, or
 - (b) if the President and the Vice President are absent or unwilling to act, such one of the remaining Board members as may be chosen by the Board members present at the meeting is to preside;
 - (c) all voting shall be by ordinary resolution of the majority of the Board members present (there will be no proxy voting);
 - (d) if there is a tie in any vote, the chair of the Board Meeting may exercise an additional casting vote.

14. Sub-committees and delegation

- (1) The Board may establish sub-committees consisting of such Members Organisation Nominees, Member Council Nominees or non-members of the MDA as the Board thinks fit. Each sub-committee may be a standing or ad-hoc committee reporting to or advising the Board.
- (2) The Board may, by instrument in writing, delegate to a sub-committee or Chief Executive Officer the exercise of such of the functions of the Board as are specified in the instrument, other than:
 - (a) this power of delegation, and
 - (b) a function which is a duty imposed on the Board by the Constitution, the Act or by any other law.
- (3) A Region Executive is a sub-committee of the Board of the MDA.
- (4) A function the exercise of which has been delegated to a sub-committee under this clause may, while the delegation remains unrevoked, be exercised from time to time by the sub-committee in accordance with the terms of the delegation.
- (5) A delegation under this clause may be made subject to such conditions or limitations as to the exercise of any function, or as to time or circumstances, as may be specified in the instrument of delegation.

- (6) Despite any delegation under this clause, the Board may continue to exercise any function delegated.
- (7) Any act or thing done or suffered by a sub-committee acting in the exercise of a delegation under this clause has the same force and effect as it would have if it had been done or suffered by the Board.
- (8) The Board may, by instrument in writing, revoke wholly or in part any delegation under this clause.
- (9) The Board may determine a sub-committee's terms of reference, and the sub-committee must comply with any other requirements set out in its terms of reference. The terms of reference may entitle the President or the Vice-President to be an ex-officio member or observer of the sub-committee. The sub-committee may otherwise meet and adjourn as it thinks proper.

Part 5 - Regions

15. *Role and Region composition*

- (1) The role of the Region includes:
 - (a) initiating action on Region issues within the bounds of the MDA policy and any Codes;
 - (b) encouraging support for the MDA and its policies and actions;
 - (c) initiating and facilitating discussion on Region and Basin issues;
 - (d) increasing awareness of an education in respect of the MDA and the Basin;
 - (e) recommending changes to policy to the Board or the MDA;
 - (f) encouraging financial support for the MDA;
 - (g) appointing Region Delegates to a MDA Meeting.
- (2) The Regions of the MDA shall be made up of those local government municipal areas determined and as amended from time to time, by resolution of the Board.
- (3) The details of the areas making up each Region must be maintained by the Board and made available to Members on request and published (and kept up to date) on the MDA website.
- (4) The composition of a Region and the number of Regions may be varied from time to time by the resolution of the Board, the listed Regions and their composition. Variations to the composition of the Regions may be proposed by the Regions, the Board, or the vote of a MDA Meeting.
- (5) Within each Region the Members in respect of that Region will be:
 - (a) Member Councils within the Region;
 - (b) Organisation Members located in the Region, provided if the Organisation is located in multiple Regions it must nominate one Region;
 - (c) Life Members and Individual Members, resident within that Region.

16. *Region Meetings*

- (1) In respect of a Region:
 - (a) a Member Council may appoint:
 - (i) 2 Member Council Representatives; plus
 - (ii) 1 or more additional Member Council Representatives, for each 20,000 of population (or part thereof) above the first 20,000;
up to a maximum of 5 Member Council Representatives. A Member Council Representative may be a councillor or council officer of the Member Council, or another person selected and supported by the Member Council;
 - (b) an Organisation may appoint 1 Organisation Member Representative.
- (2) Region Meetings may be attended by:
 - (a) Member Council Representatives;
 - (b) Organisation Member Representatives;
 - (c) Individual Members;
 - (c) Life Members;

- (d) people from other Regions in various capacities;
 - (e) guest speakers and other invitees and subject to the management of the meeting by the Chair, may address the meeting.
- (3) Region Meetings:
 - (a) must occur at least 4 times per year;
 - (b) may be called by the Region Executive, Chair of the Region Executive or not less than 2 Member Councils within the Region; and
 - (c) require written notice of not less than 14 days to all Members located within the Region.
- (4) Regions must elect annually at a Region Meeting a Region Executive made up of:
 - (a) a chair; plus
 - (b) not less than 2 and not more than 5, other Region Executive Members.
- (5) The chair of the Region Executive is the chair of the Region, provided further:
 - (a) the chair must demonstrate both the initial and ongoing capacity to provide secretariat support for the activities of the Region;
 - (b) when the position of the chair becomes vacant for any reason, the Region Executive may appoint a temporary chair and a new chair must be appointed at the next Region Meeting;
 - (c) the chair must ensure minutes and other necessary records of Region Executive and Region Meetings are taken, kept and provided regularly to the MDA Board.
- (6) Voting at a Region Meeting must occur as follows:
 - (a) Member Council Representatives may vote through a Proxy provided:
 - (i) not less than one Member Council Representative appointed by the same Member Council, is present; and
 - (ii) the relevant proxy has been given, in writing, to that Member Council Representatives who is present;
 - (b) one vote for each Individual Member of that Region and Life Member of that Region present;
 - (c) one vote for each Organisation Member of that Region, through its Organisation Member Representative, who must be present;
 - (d) a quorum of the Region Meeting will be not less than $\frac{1}{3}$ of Member Councils present in the Region;
 - (e) voting will be by ordinary majority;
 - (f) the chair will have an additional casting vote in the case of a tie in votes.
- (7) The Region Executive shall have responsibility to facilitate and implement the various roles of the Region and may, if it considers appropriate, seek support from Members to provide assistance including involvement through sub-committees as is thought fit.
- (8) The Region shall provide a report not less than once a year and prior to the annual general meeting of the MDA, of various business and actions dealt with by and within the Region relevant to the MDA.
- (9) Regions are encouraged to hold joint meetings with nearby Regions or Regions with common interests to discuss matters of common interest.

- (10) Each year prior to the 30th of June at a Region Meeting, the Region will elect by a vote, up to 3 Regional Delegates to attend and vote at any MDA Meeting occurring over the following 12-month period (to the next 30 June). A Region Delegate must not be a Member Council.
- (11) A Region Meeting may be held with use of technology that allows a member using the technology and the members present at the meeting to clearly and simultaneously communicate with each other. A member in attendance using that technology will be deemed to be physically present at the meeting.
- (12) To be effective, details of the elected Region Delegates must be sent (together with the minutes of the relevant meeting) to the Board of the MDA, addressed to the President or the Chief Executive Officer not less than 14 days prior to the next MDA Meeting.

Part 6 – MDA Meetings

17. MDA Meetings

- (1) In respect of a MDA Meeting:
 - (a) a Member Council may appoint:
 - (i) 1 Member Council Delegate; plus
 - (ii) 1 additional Member Council Delegate, for every 20,000 of population (or part thereof) above the first 20,000;
up to a maximum of 3 Member Council Delegates;
 - (b) a Member Council Delegate may be a councillor or council officer of the Member Council, or another person selected and supported by the Member Council.
- (2) The MDA must hold a MDA Meeting at least once every financial year and one of those MDA Meetings must be the annual general meeting.
- (3) The annual general meeting of the MDA must be held between 1 April and 30 September in a particular year.
- (4) The time, place and arrangements for the annual general meeting of the MDA will be set by the MDA at any preceding MDA Meeting, failing which the Board will make arrangements for the annual general meeting.
- (5) The Board or not less than 4 Member Councils, may call a general meeting or a special general meeting of the MDA, by:
 - (a) written notice of the request to the Chief Executive Officer; and
 - (b) the process as set out in clause 17(6) .
- (6) Requirements for any MDA Meeting include the following:
 - (a) must be arranged on behalf of the Board, including through the Chief Executive Officer or Public Officer;
 - (b) by sending by post or email a written notice of the MDA meeting not less than 30 days prior to the proposed MDA Meeting, to each Region chair, every Delegate of whose existence notice has been given to the MDA and each Member Council;
 - (c) by posting of the details of the proposed MDA Meeting on the MDA's website, not less than 30 days prior to the proposed MDA Meeting;
 - (d) details with notice or posting must include the date, time and place of the MDA Meeting;
 - (e) the agenda and any motions proposed, including those initiated by a Region, Member Council or any other Member must be distributed and posted on the MDA's website, not less than fourteen (14) days before the MDA Meeting.
- (7) A quorum for a MDA Meeting is 30 Delegates present at the meeting.
- (8) A MDA Meeting will be presided over by either the President of the Board or such other person appointed through a vote of Delegates present at the MDA Meeting.
- (9) Only Delegates are entitled to vote on matters considered by or at a MDA Meeting or in respect of MDA matters generally.
- (10) Voting at a MDA meeting must occur as follows:

- (a) each Delegate (that is Region Delegates, Member Council Delegates or Life Member Delegates) have a single vote;
 - (b) Member Council Delegates may vote through a Proxy provided:
 - (i) not less than one Member Council Delegate appointed by the same Member Council is present; and
 - (ii) the relevant Proxy has been given in writing to that Member Council Delegate who is present;
 - (c) Region Delegates and Life Member Delegates must be present at the MDA Meeting to vote;
 - (d) a matter the subject of a vote may be passed by an ordinary majority;
 - (e) in the case of a tied vote, the Chair appointed to preside at the MDA Meeting shall have a casting vote, in addition to any vote as a Delegate.
- (11) In any case where the Board considers a matter to be determined by the MDA is to be determined through a postal vote, the following must occur:
- (a) the Board will provide not less than 30 days' written notice of such proposal;
 - (b) the notice must contain the clear and specific detail of a matter or matters for decision by a postal vote;
 - (c) the vote must call for a yes or no response and no amendment to the nature of the question or outcome which is the subject of the proposed vote may occur;
 - (d) all and only Delegates may respond to a postal vote and those Delegates must do that personally;
 - (e) in the case of a tied postal vote, the proposal or issue for determination fails.
- (12) A MDA Meeting may be held with use of technology that allows a delegate using the technology and the delegates present at the meeting to clearly and simultaneously communicate with each other. A delegate in attendance using that technology will be deemed to be physically present at the meeting.

Part 7 – Chief Executive Officer

18. *Chief Executive Officer*

- (1) The Board shall appoint a Chief Executive Officer.
- (2) The Chief Executive Officer shall be responsible to the Board for the administration and operation generally of the MDA.
- (3) The Chief Executive Officer:
 - (a) shall carry out the Board's instructions;
 - (b) shall be responsible for the appointment of staff and retention of contractors.

Part 8 – Financial

19. *Financial*

- (1) Each Member of the MDA will contribute an annual fee based on the category of membership. Such annual fee:
 - (a) as to amount; and
 - (b) amount in respect of category of Member,will be set and potentially varied, on an annual basis, by the Board.
- (2) The Board may reduce, waive or accept instalment payments or make such arrangements as it thinks fit in relation to the application and calculation of the annual fee provided any reduction or waiver must be due to financial or other hardship, evidence of which has been provided (in confidence) to the Board.
- (3) The Board may, from time to time, provide to the Regions such funds as are considered appropriate, by the Board, to undertake activities within the particular Region.

Part 9 – Life Members

20. *Life Members*

- (1) A Life Member of the MDA is:
 - (a) a person named in Schedule 1; or
 - (b) any person nominated by a Member, endorsed by the Board and elected as a Life Member at a MDA Meeting.
- (2) The Board may prepare a Code for the consideration and approval of Life Members which will apply once adopted by a resolution at a MDA Meeting.
- (3) A Life Member is automatically a Delegate for the purposes of attendance, participation and voting at a MDA Meeting, provided the Life Member's voting right may not be a subject of a proxy.

Part 10 – Membership Generally

21. *Application for membership*

- (1) An application for membership of the MDA:
 - (a) must be made in writing in the form and in the manner determined by the Board, and
 - (b) must include an agreement by the applicant to be bound by this Constitution and any Code, and
 - (c) must be lodged with the Public Officer of the MDA.
- (2) As soon as practicable after receiving an application for membership, the Public Officer must refer the application to the Board. The Board must determine whether to approve or to reject the application in its absolute discretion. Where an applicant qualifies for multiple categories of membership, the Board may, in its absolute discretion, determine which category it deems to be most suitable for the applicant.
- (3) As soon as practicable after the Board makes that determination, the Public Officer must:
 - (a) notify the applicant, in writing, that the Board approved or rejected the application (whichever is applicable) and if the applicant was approved, the applicant's category of membership, and
 - (b) if the Board approved the application, request the applicant to pay (within the period of 28 days after receipt by the applicant of the notification) the sum payable under this Constitution by a Member as an annual fee (if applicable), and
 - (c) on payment by the applicant of the amounts referred to in sub clause 21(3)(b) within the period referred to in that provision (if applicable), enter or cause to be entered the applicant's name in the register of Members and, on the name being so entered, the applicant becomes a Member of the MDA.
- (4) The determination of the Board in respect of an applicant's application and the applicant's membership category is final. The Board is not required to provide reasons for its determination.
- (5) A Member may apply for a change of membership category. Subclasses (2) to (4), with applicable changes, will apply to an application for a membership category change.

22. *Cessation of membership*

A Member ceases to be a Member of the MDA if:

- (a) for Individual Members and Organisation Members, the Member annual fee is overdue for more than 90 days and the Board ends the membership,
- (b) for Member Councils, the annual fee remains unpaid after the failure to pay has been raised at a MDA meeting and the meeting decides to end the membership;
- (c) in the case of an individual – dies or is declared bankrupt, or
- (d) the Board resolves to end the membership;
- (e) the Member resigns membership,
- (f) the Member is expelled from the MDA in accordance with clause 28, or
- (g) ceases to be eligible to be a Member, or

- (h) in the case of an organisation – is insolvent, or is being wound up or deregistered, or has a receiver, administrator, manager, liquidator or other controller (howsoever described) appointed over the organisation or a substantial part of its assets.

23. *Membership entitlements not transferable*

A right, privilege or obligation which a person has by reason of being a Member of the MDA:

- (a) is not capable of being transferred or transmitted to another person, and
- (b) terminates on cessation of membership.

24. *Register of Members*

- (1) The Public Officer of the MDA must establish and maintain a register of Members of the MDA specifying the name and postal address and principal place of business of each Member of the MDA, the date on which the Member became a Member, the category of membership, and the contact details of the Member's representatives if applicable.
- (2) The register of Members must be kept:
 - (a) at the main premises of the MDA, or
 - (b) if the MDA has no premises, at the MDA's official address.
- (3) The register of Members must be open for inspection, free of charge, by any Member of the MDA during business hours.
- (4) A Member must not use information about a person obtained from the register to contact or send material to the person. However, a Member may use information about a person obtained from the register for:
 - (a) the purposes of sending the person a notice in respect of a meeting or other event relating to the MDA or other material genuinely relating to the MDA or its management, or
 - (b) any other purpose necessary to comply with a requirement of the Act or the Regulation.

25. *Members' liabilities*

The liability of Member Councils of the MDA to contribute towards the payment of the debts and liabilities of the MDA or the costs, charges and expenses of the winding up of the MDA is limited to \$1. Other Members are not required to contribute.

26. *Conduct Code or Codes*

- (1) A conduct Code or Codes will be prepared in respect of the conduct of:
 - (a) the Board and Board Meetings;
 - (b) MDA Meetings;
 - (c) Region Meetings;
 - (d) Members in the various MDA forums; and
 - (e) CEO and other staff.

- (2) Any conduct Code must be prepared (and varied) at the direction and by resolution of the Board.
- (3) A Code must be complied with by Members, Representatives and Delegates.

27. Resolution of disputes

- (1) A dispute between the MDA, or any of the Members of the MDA, or with the MDA, or with a Region, is to be referred to a mediator agreed by the parties to the dispute, or in the absence of agreement, by a mediator nominated by the President of the Law Council of Australia (or his or her nominee).
- (2) If a dispute is not resolved by mediation within 3 months of the referral under sub clause (1), any party to the dispute may commence proceedings.
- (3) A party to the dispute must not commence proceedings unless that party has complied with this clause 27, except in the case of a party seeking urgent interlocutory relief.

28. Disciplining of Members

- (1) A complaint may be made to the Board by a Member of the MDA if a Member:
 - (a) has refused or neglected to comply with a provision or provisions of this Constitution or any MDA Code, or
 - (b) in the case of individuals – has acted in a manner prejudicial to the interests or reputation of the MDA or unbecoming of a Member, or
 - (c) in the case of Members who are not individuals – the officers, employees or agents of the Member have acted in a manner prejudicial to the interests or reputation of the MDA or unbecoming of a Member.
- (2) The Board may refuse to deal with a complaint if it considers the complaint to be trivial or vexatious in nature.
- (3) If the Board decides to deal with the complaint, the Board:
 - (a) must cause notice of the complaint to be served on the Member concerned, and
 - (b) must give the Member at least 14 days from the time the notice is served within which to make submissions to the Board in connection with the complaint, and
 - (c) must take into consideration any submissions made by the Member in connection with the complaint.
- (4) The Board may decide to expel the Member from the MDA or suspend the Member from membership of the MDA if, after considering the complaint and any submissions made in connection with the complaint, it is satisfied that the facts alleged in the complaint have been proved and the expulsion or suspension is warranted in the circumstances.
- (5) If the Board expels or suspends a Member, the Public Officer must, within 7 days after the action is taken, cause written notice to be given to the Member of the action taken, of the reasons given by the Board for having taken that action and of the Member's right of appeal under clause 29.
- (6) The expulsion or suspension does not take effect:
 - (a) until the expiration of the period within which the Member is entitled to appeal against the decision concerned, or

- (b) if within that period the Member exercises the right of appeal, unless and until the decision is confirmed under clause 29, whichever is the later.

29. *Right of appeal of disciplined Member*

- (1) A Member may appeal to a disciplinary appeal committee against a decision of the Board under clause 28, within 7 days after notice of the decision is served on the Member, by lodging with the Public Officer a notice to that effect. The disciplinary appeal committee will consist of:
 - (a) an independent chair, who will be a suitably qualified lawyer nominated by the President of the Law Council of Australia (or his or her nominee), and
 - (b) at least two further persons selected by the Board who have not been involved with the original decision of the Board.
- (2) The notice may, but need not, be accompanied by a statement of the grounds on which the Member intends to rely for the purposes of the appeal.
- (3) On receipt of a notice from a Member under sub clause (1), the Public Officer must notify the Board which is to convene the disciplinary appeal committee and schedule a hearing within 56 days after the date on which the Public Officer received the notice.
- (4) At a disciplinary appeal committee hearing convened under sub clause (3):
 - (a) no business other than the question of the appeal is to be transacted, and
 - (b) the Board (or nominee) and the Member must be given the opportunity to state their respective cases orally or in writing, or both.
- (5) The appeal is to be determined by a unanimous decision of the disciplinary appeal committee

Part 11 – General Provisions

30. *Insurance and indemnities*

- (1) In this clause “**officer**” means:
 - (a) a Member of the Board, and
 - (b) a person, such as an executive officer or chief executive officer, whomakes, or participates in making, decisions that affect the whole of the MDA, or has the capacity to affect the financial standing of the MDA.
- (2) To the extent permitted by law, the MDA indemnifies every person who is or has been an officer out of the assets of the MDA against any liability incurred by the officer in or arising out of the conduct of the affairs or business of the MDA, or in or arising out of the discharge of the duties of the officer, unless such liability arises out of conduct involving a lack of good faith.
- (3) To the extent permitted by law, the MDA may (but is not obliged to) pay, or agree to pay insurance premiums for any directors or officers liability insurance which may cover liability incurred by officers in, or arising out of, the conduct of the business of the MDA, or in or arising out of, the discharge of the duties of the officer.

31. Funds - source

- (1) The funds of the MDA are to be derived from annual fees, donations, grants, contracts, service level agreements and such other sources as the Board determines.
- (2) All money received by the MDA must be deposited as soon as practicable and without deduction to the credit of the MDA's bank or other authorised deposit-taking institution account.
- (3) The MDA must, as soon as practicable after receiving any money, issue an appropriate receipt.

32. Funds - management

The funds of the MDA are to be used in pursuance of the objects of the MDA in such manner as the Board determines.

33. Custody of books etc

Except as otherwise provided by this Constitution, the Public Officer must keep in his or her custody or under his or her control all records, books and other documents relating to the MDA.

34. Service of notices

- (1) For the purpose of this Constitution, a notice may be served on or given to a person:
 - (a) by delivering it to the person personally, or
 - (b) by sending it by pre-paid post to the address of the person, or
 - (c) by sending it by email or some other form of electronic transmission to an address specified by the person for giving or serving the notice.
- (2) For the purpose of this Constitution, a notice is taken, unless the contrary is proved, to have been given or served:
 - (a) in the case of a notice given or served personally, on the date on which it is received by the addressee, and
 - (b) in the case of a notice sent by pre-paid post, on the date when it would have been delivered in the ordinary course of post, and
 - (c) in the case of a notice sent by facsimile transmission or some other form of electronic transmission, on the date it was sent or, if the device from which the transmission was sent produces a report indicating that the notice was sent on a later date, on that date.

35. Financial year

The financial year of the MDA is:

- (a) the period of time commencing on the date of incorporation of the MDA and ending on the following 30 June, and
- (b) each period of 12 months after the expiration of the previous financial year of the MDA, commencing on 1 April and ending on the following 31 March.

36. Not-for-profit clause

- (1) The assets and income of the MDA are to be applied solely in the furtherance of its objects. No portion of the MDA's assets and income are to be distributed directly or indirectly to its Members by way of fee, salary, dividend, bonus or otherwise.
- (2) The Members of the Board will not be entitled to receive fees for their service on the Board (eg: sitting fees).
- (3) Nothing in sub clauses (1) and (2) prevents the payment in good faith to a Board member or Member:
 - (a) of remuneration for any services to the MDA in the ordinary and usual course of business,
 - (b) for goods supplied in the ordinary and usual course of business,provided that any such payment, or any other payment permitted by this Constitution, made or proposed to be made to a Board member, has been approved by the Board (in any generic or specific case).
- (4) Nothing in sub clauses (1) and (2) prevents the reimbursement for out-of-pocket expenses incurred in carrying out the duties of a Board member where payment does not exceed any amount approved by the Board (in any generic or specific case).

37. Dissolution clause

- (1) Subject to this Constitution, upon the MDA being dissolved or wound up, any surplus that remains (after such dissolution and the payment of all debts and liabilities) is to be transferred to another fund authority or institution.
 - (a) having objects similar to the objects of the MDA and which are charitable at law;
 - (b) whose rules prohibit the distribution of its or their income and property among its or their Members to an extent at least as great as is imposed on the MDA under this Constitution; and
 - (c) if the MDA is endorsed by the Commissioner for Taxation as income tax exempt those other institutions are also currently endorsed as income tax exempt on the same basis.
- (2) The fund, authority or institution will be determined by a vote of Delegates before the time of dissolution or winding up.

38. Amendment of constitution

The MDA may amend this Constitution and its objects by special resolution of Delegates at a MDA Meeting, subject to following sub clauses:

- (a) the amendment must be lodged with the executive twelve (12) weeks prior to the MDA Meeting;
- (b) the amendment must be listed as a motion and published in the agenda for the MDA Meeting.

39. Government grants and assets

An asset or part of an asset of the MDA consisting of property supplied by a government department, public authority or council, including the unexpended portion of a grant, must be returned to:

- (a) the department, authority or council that supplied the property, or

- (b) a body nominated by that department, authority or council.

40. Confidentiality and intellectual property

In the furtherance of the MDA's activities, the MDA may provide Board members (and any organisation they represent under this Constitution) and Members (and their officers, employees, agents, contractors), access to sensitive, commercial-in-confidence or confidential information ("**information**"). Each Board member and Member must ensure that a recipient from them of such information:

- (a) will keep the information confidential, and will not disclose the information to any other person unless:
 - (i) the person is a permitted recipient with a need to know,
 - (ii) disclosure is required by law or government policy,
 - (iii) disclosure is with the MDA's prior written consent, or
 - (iv) the information is already in the public domain other than by a breach of any confidentiality obligation,
- (b) will only be used for the purposes of preventing or controlling diseases, and the information must not be copied, modified, adapted or exploited for any commercial purposes, and
- (c) will comply with the MDA's information disclosure policies as published from time to time by the Board.

41. List of amendments

AGM 2016	Motion 5.1	Adoption of Constitution (2016).
AGM 2017	Motion 1A	Part 6 s17 (6).
AGM 2018	Motion 5.15	Part 11 s38 (a)(b).
AGM 2019	Motion 5.1	Part 35 (b); Part 6 s17 (3).
AGM 2020	Motion 5.1	Part 5 s16 (11); Part 6 s17 (12).

Schedule 1 - Life Members

Surname	First Name	Title	Location	
Camac	Graham		Meningie	
Frost	Pauline		Adelaide	
Gorman	Bill		Yarrawonga	
Grogan	Brian	OAM	Mildura	
Hill	Les		Berri	
Hillman	Terry		Lavington	
Hullick	Jim	OAM	Adelaide	
Mecham	J Bede		Wagga Wagga	
Moor	Max		Barmah	
Moore	Phillip		Melbourne	
Oberin	Don		Echuca	
Pell	Kevin	OAM	Nathalia	
Rogers	Ken		Dubbo	
Reichler	Wulf	OAM	Brewarrina	*
Anderson	Stuart	OAM	Moama	*
Dalzell	David		Whyalla	*
Davies	Peter		Adelaide	*
Gemmell	James Wallace		Cobram	*
Heslop	Albert		Swan Hill	*
Jacobi	Ralph		Adelaide	*
Killmister	Ian		Nathalia	*
Larkin	Jack James	OAM	Kooloonong	*
Lawrence	Gunnar Vernon	AM	Hawthorn	*
Joseph	John		McGuire	*
McKinnon	Neil	OAM	Jerilderie	*
Martin	T Norm		Wodonga	*
Mengler	Reg		Balranald	*
Merrylees	William Andres		Carrathool	*
Pearsall	Thomas Ernest		Albury	*
Alfred	Percival		Yeomans	*
Perry	Wal		Port Elliot	*
Potter	Phillip		Narooma	*
Robertson	Agnes Isabel		Albury	*
Schmidt	Max		Paringa	*
Rankin	Robert Starritt	OBE	Rochester	*
Tredinnick	HG		Murray Valley	*
Tume	Allen		Adelaide	*
Smith	Henry Lester	MBE	Kerang	*
Wilhelm	Maurice	OAM	Murray Bridge	*
Weston	Percy		Eurobin	*

* Passed

14.5 ADOPTION OF S6 INSTRUMENT OF DELEGATION

File Number: 18/02/05
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present the updated S6 Instrument of Delegation for adoption.

2. Recommendation

That Council, in the exercise of the powers conferred by the legislation referred to in the attached Instrument of Delegation, resolve that:

- (i) there be delegated to the members of Council staff holding, acting in or performing the duties of the offices or positions referred to in the attached Instrument of Delegation to members of Council staff, the powers, duties and functions set out in that Instrument, subject to the conditions and limitations specified in that Instrument;**
- (ii) the Instrument comes into force immediately following a resolution of Council;**
- (iii) on the coming into force of the Instrument all previous delegations to members of Council staff (other than the Chief Executive Officer) are revoked; and**
- (iv) the duties and functions set out in the Instrument must be performed, and the powers set out in the Instruments must be executed, in accordance with any guidelines or policies of Council that it may from time to time adopt.**

3. Background

In the exercise of the powers conferred by the legislation referred to in the S6 Instrument of Delegation, Council may delegate certain powers, duties and functions directly to members of Council staff. This Instrument of Delegation was last updated in October 2021.

4. Consultation Proposed/Undertaken

Consultation was undertaken with Council's Strategic Management Team to ensure provisions are appropriately assigned to Council officers.

5. Discussion

Council's solicitors, Maddocks, have provided an update for the ongoing maintenance of Council's Delegation Manual. This update takes into account relevant changes to legislation that occurred between July 2020 and December 2020.

20 new provisions have been included in this update, and the new, changed and deleted provisions are presented in Attachment 1.

Attachment 2 presents the updated Instrument in its entirety.

6. Time Frame

The Instrument of Delegation will come into force immediately following a resolution of Council.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Goal to be achieved:

Outcome to be achieved:

- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

There are no policy implications associated with this report.

Legal/Statutory

This report aligns with legal advice received from Maddocks as the S6 Instrument of Delegation relies on powers of delegation from Council to Staff, from Acts other than the *Local Government Act 2020*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1** [!\[\]\(f2fdbbba686c1099e6b2b8779766e2d3_img.jpg\)](#) S6 Instrument of Delegation - Council to Staff - March 2022
- 2** [!\[\]\(b3cfbfd04368a71f4c64e073908d25d7_img.jpg\)](#) S6 - Deleted Provisions

S6. Instrument of Delegation – Members of Staff



Mildura Rural City Council

MILDURA RURAL CITY COUNCIL

Instrument of Delegation

to

Members of Council Staff

Document Control Page

Document Information

	Information
TRIM File Number	18/02/05
Document Owner	General Manager Corporate
Last Update	October 2021

Document History

Version	Issue Date	Changes
1.0	27 May 2010	Inclusion of Cemeteries & Crematoria Act 2003 Name change to Domestic Animals Act 1994 Additions to the Food Act 1984 Delegation of the Health Act 1958 Additions to the Planning & Environment Act 1987 Minor change to the Residential Tenancies Act 1997 Additions to the Road Management Act 2004 Inclusion of the Cemeteries & Crematoria Regulations 2005 Minor amendment to the Planning & Environment (Fees) Regulations 2000 Minor changes to the Residential Tenancies (Caravan Parks & Movable Dwellings Registration & Standards) Regulations 1999
2.0	22 July 2010	Changes to positions to reflect new organisational structure
3.0	25 Nov 2010	Inclusion of Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010. Tidying up of Food Act 1984 delegations Amendments to the Valuation of Land Act 1960 Amendments to the Cemeteries and Crematoria Act 2003 New sections of the Planning and Environment Act 1987 Insertions to Rail Safety Act 2006.
4.0	May 2011	Changes to various Acts & Regulations
5.0	February 2012	Changes to various Acts & Regulations
6.0	July 2012	Minor update to the Food Act 1984
7.0	January 2013	Changes to various Acts & Regulations
8.0	July 2013	Changes to various Acts & Regulations
9.0	February 2014	Maddocks Delegations & Authorisation Update – December 2013
10.0	November 2014	Maddocks Delegations & Authorisation Update – August 2014
11.0	February 2015	Maddocks Delegations & Authorisation Update – February 2015

S6 Instrument of Delegation Members of Staff

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Version	Issue Date	Changes
12.0	August 2015	Maddocks Delegations & Authorisation Update – June 2015
13.0	September 2016	Maddocks Delegations & Authorisation Update – June 2016
14.0	February 2017	Maddocks Delegations & Authorisation Update – December 2016
15.0	September 2017	Maddocks Delegations & Authorisation Update – June & August 2017
16.0	February 2018	Maddocks Delegations & Authorisation Update – December 2017
17.0	September 2018	Maddocks Delegations & Authorisation Update – June 2018
18.0	October 2018	Update to include Senior Statutory Planner – October 2018
19.0	December 2018	Update to include Engineering Surveyor and Technical Officer – Engineering Services
20.0	March 2019	Maddocks Delegations & Authorisation Update – December 2018
21.0	August 2019	Maddocks Delegations & Authorisation Update – June 2019
22.0	January 2020	Update to include Emergency Roads Recovery Coordinator
23.0	April 2020	Maddocks Delegations & Authorisation Update – January 2020
24.0	August 2020	Maddocks Delegations & Authorisations Update – July 2020
25.0	April 2021	Maddocks Delegations & Authorisation Update – January 2021
26.0	October 2021	Maddocks Delegations & Authorisation Update – July 2021 Updated to include Cemeteries Operations Coordinator Amended condition to s 61(1) of Planning and Environment Act 1987
27.0	March 2022	Maddocks Delegations & Authorisation Update – January 2022

S6 Instrument of Delegation Members of Staff

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Instrument of Delegation

In the exercise of the powers conferred by the other legislation referred to in the attached Schedule, the Council:

1. delegates each duty and/or function and/or power described in column 1 of the Schedule (and summarised in column 2 of the Schedule) to the member of Council staff holding, acting in or performing the duties of the office or position described opposite each such duty and/or function and/or power in column 3 of the Schedule;
2. records that a reference in the Schedule to:

APS	means	Animal Pound Supervisor
APTL	means	Asset Preservation Team Leader
CCC	means	Civic Compliance Coordinator
CCO	means	Civic Compliance Officer
CEHO	means	Cadet Environmental Health Officer
CEO	means	Chief Executive Officer
COC	Means	Cemeteries Operations Coordinator
CSP	means	Coordinator Strategic Planning
CTL	means	Cemetery Team Leader
CTP	means	Cadet Town Planner
DE	means	Drainage Engineer
EC	means	Engineering Coordinator
EDTL	means	Engineering Design Team Leader
EHC	means	Environmental Health Coordinator
EHO	means	Environmental Health Officer
EHTO	means	Environmental Health Technical Officer
ELT	means	Executive Leadership Team (which consists of CEO, GMCS, GMC & GMD)
EO	means	Enforcement Officer
ES	means	Engineering Surveyor
GMC	means	General Manager Community
GMCS	means	General Manager Corporate
GMD	means	General Manager Development
GRC	means	Governance & Risk Coordinator
IDO	means	Infrastructure Development Officer
IDTL	means	Infrastructure Development Team Leader
MAS	means	Manager Asset Services
MBS	means	Municipal Building Surveyor
MCF	means	Manager Community Futures
MDS	means	Manager Development Services
MFS	means	Manager Financial Services
MGP	Means	Manager Governance & Performance
MWES	means	Manager Works & Engineering Services
N/A	means	Not Applicable
PSP	means	Principal Statutory Planner
RSO	means	Road Safety Officer
SASC	means	Strategic Asset Systems Coordinator
SCCO	means	Senior Civic Compliance Officer

S6 Instrument of Delegation Members of Staff

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SEHO	means	Senior Environmental Health Officer
SO	means	Subdivisions Officer
SPC	means	Statutory Planning Coordinator
SSP	means	Senior Statutory Planner
STE	means	Senior Traffic Engineer
STO-ES	means	Senior Technical Officer – Engineering Services
STP	means	Senior Town Planner
TLSPA	means	Team Leader Statutory Planning Administration
TP	means	Town Planner
TTE	means	Traffic & Transport Engineer

3. declares that:

3.1 this Instrument of Delegation is authorised by a resolution of Council passed on **Wednesday DD MM YYYY**; and

3.2 the delegation:

3.2.1 comes into force immediately the common seal of Council is affixed to this Instrument of Delegation;

3.2.2 remains in force until varied or revoked;

3.2.3 is subject to any conditions and limitations set out in sub-paragraph 3.3, and the Schedule; and

3.2.4 must be exercised in accordance with any guidelines or policies which Council from time to time adopts; and

3.3 the delegate must not determine the issue, take the action or do the act or thing;

3.3.1 if the issue, action, act or thing is an issue, action or thing which Council has previously designated as an issue, action, act or thing which must be the subject of a Resolution of Council;

3.3.2 if the determining of the issue, taking of the action or doing of the act or thing would or would be likely to involve a decision which is inconsistent with a

a. policy; or

b. strategy

adopted by Council;

3.3.3 if the determining of the issue, the taking of the action or the doing of the act or thing cannot be the subject of a lawful delegation; or

3.3.4 the determining of the issue, the taking of the action or the doing of the act or thing is already the subject of an exclusive delegation to another member of Council staff or delegated committee.

THE COMMON SEAL of the MILDURA RURAL CITY)
COUNCIL was affixed hereto by authority of the)
Council in the presence of:)
)

..... COUNCILLOR

..... COUNCILLOR

..... CHIEF EXECUTIVE OFFICER

DATE:

SCHEDULE

S6 Instrument of Delegation Members of Staff

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S6 Instrument of Delegation - Members of Staff

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8(1)(a)(ii)	Power to manage one or more public cemeteries	GMCS, CEO, COC	Where Council is a Class B cemetery trust
s 12(1)	Function to properly and efficiently manage and maintain each public cemetery for which responsible and carry out any other function conferred under this Act	GMCS, CEO, COC	Where Council is a Class B cemetery trust
s 12(2)	Duty to have regard to the matters set out in paragraphs (a) - (c) in exercising its functions	GMCS, CEO, COC	Where Council is a Class B cemetery trust
s 12A(1)	Function to do the activities set out in paragraphs (a) - (n)	N/A	Where Council is a Class A cemetery trust
s 12A(2)	Duty to have regard to matters set out in paragraphs (a) - (e) in exercising its functions	N/A	Where Council is a Class A cemetery trust
s 13	Duty to do anything necessary or convenient to enable it to carry out its functions	GMCS, CEO, COC	
s 14	Power to manage multiple public cemeteries as if they are one cemetery.	GMCS, CEO, COC	
s 15(4)	Duty to keep records of delegations	GMCS, CEO, COC	
s 17(1)	Power to employ any persons necessary	GMCS, CEO	

S6 Instrument of Delegation Members of Staff

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(2)	Power to engage any professional, technical or other assistance considered necessary	GMCS, CEO	
s 17(3)	Power to determine the terms and conditions of employment or engagement	GMCS, CEO	Subject to any guidelines or directions of the Secretary
s 18(3)	Duty to comply with a direction from the Secretary	GMCS, CTL, CEO, COC	
s 18B(1) & (2)	Duty to establish governance committees within 12 months of becoming a Class A cemetery trust and power to establish other governance committees from time to time	N/A	Where Council is a Class A cemetery trust
s 18C	Power to determine the membership of the governance committee	N/A	Where Council is a Class A cemetery trust
s 18D	Power to determine procedure of governance committee	N/A	Where Council is a Class A cemetery trust
s 18D(1)(a)	Duty to appoint community advisory committee for the purpose of liaising with communities	N/A	Where Council is a Class A cemetery trust
s 18D(1)(b)	Power to appoint any additional community advisory committees	N/A	Where Council is a Class A cemetery trust
s 18D(2)	Duty to establish a community advisory committee under section 18D(1)(a) within 12 months of becoming a Class A cemetery trust.	N/A	Where Council is a Class A cemetery trust

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 18D(3)	Duty to include a report on the activities of the community advisory committees in its report of operations under Part 7 of the Financial Management Act 1994	N/A	Where Council is a Class A cemetery trust
s 18F(2)	Duty to give preference to a person who is not a funeral director of a stonemason (or a similar position) when appointing a person to a community advisory committee	N/A	Where Council is a Class A cemetery trust
s 18H(1)	Duty to hold an annual meeting before 30 December in each calendar year	N/A	Where Council is a Class A cemetery trust
s 18I	Duty to publish a public notice of annual meeting in a newspaper, a reasonable time before the date of the annual meeting	N/A	Where Council is a Class A cemetery trust
s.18J	Duty to provide leadership, assistance and advice in relation to operational and governance matters relating to cemeteries (including the matters set out in s 18J(2))	N/A	Where Council is a Class A cemetery trust
s 18L(1)	Duty to employ a person as the chief executive officer (by whatever title called) of the Class A cemetery trust	N/A	Where Council is a Class A cemetery trust
s 18N(1)	Duty to prepare an annual plan for each financial year that specifies the items set out in paragraphs (a)-(d)	N/A	Where Council is a Class A cemetery trust
s 18N(3)	Duty to give a copy of the proposed annual plan to the Secretary on or before 30 September each year for the Secretary's approval	N/A	Where Council is a Class A cemetery trust

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 18N(5)	Duty to make amendments as required by the Secretary and deliver the completed plan to the Secretary within 3 months	N/A	Where Council is a Class A cemetery trust
s 18N(7)	Duty to ensure that an approved annual plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18O(1)	Duty to prepare a strategic plan and submit the plan to the Secretary for approval	N/A	Where Council is a Class A cemetery trust
s 18O(4)	Duty to advise the Secretary if the trust wishes to exercise its functions in a manner inconsistent with its approved strategic plan	N/A	Where Council is a Class A cemetery trust
s 18O(5)	Duty to ensure that an approved strategic plan is available to members of the public on request	N/A	Where Council is a Class A cemetery trust
s 18Q(1)	Duty to pay an annual levy on gross earnings as reported in the annual financial statements for the previous financial year.	N/A	Where Council is a Class A cemetery trust
s 19	Power to carry out or permit the carrying out of works	GMCS, CTL, CEO, COC	
s 20(1)	Duty to set aside areas for the interment of human remains	GMCS, CTL, CEO	
s 20(2)	Power to set aside areas for the purposes of managing a public cemetery	GMCS, CEO	
s 20(3)	Power to set aside areas for those things in paragraphs (a) - (e)	GMCS, CEO	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 24(2)	Power to apply to the Secretary for approval to alter the existing distribution of land	GMCS, CTL, CEO, COC	
s 36	Power to grant licences to enter and use part of the land or building in a public cemetery in accordance with s 36	GMCS, CEO	Subject to the approval of the Minister
s 37	Power to grant leases over land in a public cemetery in accordance with s 37	GMCS, CEO	Subject to the Minister approving the purpose
s 40	Duty to notify Secretary of fees and charges fixed under s 39	GMCS, CEO, COC	
s 47	Power to pay a contribution toward the cost of the construction and maintenance of any private street adjoining or abutting a cemetery	GMCS, CEO	Provided the street was constructed pursuant to the Local Government Act 1989
s 57(1)	Duty to submit a report to the Secretary every financial year in respect of powers and functions under the Act	GMCS, CEO, COC	Report must contain the particulars listed in s 57(2)
s 59	Duty to keep records for each public cemetery	GMCS, CEO, COC	
s 60(1)	Duty to make information in records available to the public for historical or research purposes	GMCS, CEO, COC	
s 60(2)	Power to charge fees for providing information	GMCS, CEO, COC	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(4)	Duty to comply with a direction from the Secretary under s 64(3)	GMCS, CTL, CEO, COC	
s 64B(d)	Power to permit interments at a reopened cemetery	GMCS, CEO, COC	
s 66(1)	Power to apply to the Minister for approval to convert the cemetery, or part of it, to a historic cemetery park	GMCS, CEO	The application must include the requirements listed in s 66(2)(a)-(d)
s 69	Duty to take reasonable steps to notify of conversion to historic cemetery park	GMCS, MFS, CEO, COC	
s 70(1)	Duty to prepare plan of existing places of interment and make a record of any inscriptions on memorials which are to be removed	GMCS, MFS, CTL, CEO, COC	
s 70(2)	Duty to make plans of existing place of interment available to the public	GMCS, MFS, CTL, CEO, COC	
s 71(1)	Power to remove any memorials or other structures in an area to which an approval to convert applies	GMCS, MFS, CTL, CEO, COC	
s 71(2)	Power to dispose of any memorial or other structure removed	GMCS, MFS, CTL, CEO, COC	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 72(2)	Duty to comply with request received under s 72	GMCS, MFS, CEO, COC	
s 73(1)	Power to grant a right of interment	GMCS, MFS, CEO, COC	
s 73(2)	Power to impose conditions on the right of interment	GMCS, MFS, CEO, COC	
s 74	Duty to offer a perpetual right of interment	GMCS, CCO, SCCO, COC	Provision commences on 1 March 2022 unless proclaimed earlier
s 75	Power to grant the rights of interment set out in s 75(a) and (b)	GMCS, MFS, CTL, CEO, COC	
s 76(3)	Duty to allocate a piece of interment if an unallocated right is granted	GMCS, MFS, CTL, CEO, COC	
s 77(4)	Power to authorise and impose terms and conditions on the removal of cremated human remains or body parts from the place of interment on application	GMCS, CEO	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 80(1)	Function of receiving notification and payment of transfer of right of interment	GMCS, MFS, CEO, COC	
s 80(2)	Function of recording transfer of right of interment	GMCS, MFS, CEO, COC	
s 82(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCS, MFS, CEO, COC	
s 83(2)	Duty to pay refund on the surrender of an unexercised right of interment	GMCS, CTL, CEO, COC	Reference to 'sole holder' will no longer apply from 1 March 2022
s 83(3)	Power to remove any memorial and grant another right of interment for a surrendered right of interment	GMCS, CEO, COC	
s 84(1)	Function of receiving notice of surrendering an entitlement to a right of interment	GMCS, CEO, COC	
s 84F(2)(d)	Function of receiving notice of decision to vary or force the surrender of a right of interment under s 84C(2), (3) or (5)	GMCS, CCO, SCCO, COC	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84H(4)	Power to exercise the rights of a holder of a right of interment	GMCS, CCO, SCCO, COC	
s 84I(5)	Duty to pay refund to the previous holder or holders of the right of interment	GMCS, CCO, SCCO, COC	
s 84I(6)(a)	Power to remove any memorial on the place of interment	GMCS, CCO, SCCO, COC	
s 84I(6)(b)	Power to grant right of interment under s 73	GMCS, CCO, SCCO, COC	
s.85(1)	Duty to notify holder of 25 year right of interment of expiration at least 12 months before expiry	N/A	The notice must be in writing and contain the requirements listed in s 85(2)
s 85(2)(b)	Duty to notify holder of 25 year right of interment of expiration of right at least 12 months before expiry	GMCS, CEO, COC	Does not apply where right of internment relates to remains of a deceased veteran.
85(2)(c)	Power to leave interred cremated remains undistributed in perpetuity and convert right of interment to perpetual right of internment or; remove interred remains and re-inter at another location within cemetery grounds and remove any memorial at that place and re-establish at new or equivalent location.	GMCS, CEO, COC	May only be exercised where right of interment relates to cremated human remains of a deceased identified veteran, if right of internment is not extended or converted to a perpetual right of interment

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 86	Power to remove and dispose of cremated human remains and remove any memorial if no action taken by right holder within time specified	N/A	
s 86(2)	Power to leave interred cremated human remains undisturbed or convert the right of interment to a perpetual right of interment	GMCS, CTL, CEO, COC	
s 86(3)(a)	Power to leave interred cremated human remains undisturbed in perpetuity and convert the right of interment to a perpetual right of interment	GMCS, CTL, CEO, COC	
s 86(3)(b)	Power to remove interred cremated human remains and take further action in accordance with s 86(3)(b)	GMCS, CTL, CEO, COC	
s.86(4)	power to take action under s.86(4) relating to removing and re-interring cremated human remains	GMCS, CTL, CEO, COC	
s.86(5)	duty to provide notification before taking action under s.86(4)	GMCS, CTL, CEO, COC	
s 86A	Duty to maintain place of interment and any memorial at place of interment, if action taken under s 86(3)	GMCS, CTL, CEO, COC	
s 87(3)	Duty, if requested, to extend the right for a further 25 years or convert the right to a perpetual right of interment	N/A	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 88	Function to receive applications to carry out a lift and re-position procedure at a place of interment	GMCS, CEO, COC	
s 91(1)	Power to cancel a right of interment in accordance with s 91	GMCS, CEO, COC	
s 91(3)	Duty to publish notice of intention to cancel right of interment	GMCS, CEO, COC	
s 92	Power to pay refund or grant a right of interment in respect of another place of interment to the previous holder of the cancelled right of interment	GMCS, CEO, COC	
s 98(1)	Function of receiving application to establish or alter a memorial or a place of interment	GMCS, CEO, COC	
s 99	Power to approve or refuse an application made under s 98, or to cancel an approval	GMCS, CEO, COC	
s 99(4)	Duty to make a decision on an application under s 98 within 45 days after receipt of the application or within 45 days of receiving further information where requested	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 100(1)	Power to require a person to remove memorials or places of interment	GMCS, CEO, COC	
s 100(2)	Power to remove and dispose a memorial or place of interment or remedy a person's failure to comply with s 100(1)	GMCS, CEO, COC	
s 100(3)	Power to recover costs of taking action under s 100(2)	GMCS, CEO	
s 101	Function of receiving applications to establish or alter a building for ceremonies in the cemetery	GMCS, CEO	
s 102(1)	Power to approve or refuse an application under section 101, if satisfied of the matters in (b) and (c)	GMCS, CEO	
s 102(2) & (3)	Power to set terms and conditions in respect of, or to cancel, an approval granted under s 102(1)	GMCS, CEO	
s 103(1)	Power to require a person to remove a building for ceremonies	GMCS, CEO	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 103(2)	Power to remove and dispose of a building for ceremonies or remedy the failure to comply with s 103(1)	GMCS, CEO	
s 103(3)	Power to recover costs of taking action under s 103(2)	GMCS, CEO	
s 106(1)	Power to require the holder of the right of interment of the requirement to make the memorial or place of interment safe and proper or carry out specified repairs	GMCS, CEO, COC	
s 106(2)	Power to require the holder of the right of interment to provide for an examination	GMCS, CEO	
s 106(3)	Power to open and examine the place of interment if s 106(2) not complied with	GMCS, CEO, COC	
s 106(4)	Power to repair or - with the approval of the Secretary - take down, remove and dispose any memorial or place of interment if notice under s 106(1) is not complied with	GMCS, CEO, COC	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 107(1)	Power to require person responsible to make the building for ceremonies safe and proper or carry out specified repairs	GMCS, CEO	
s 107(2)	Power to repair or take down, remove and dispose any building for ceremonies if notice under s 107(1) is not complied with	GMCS, CEO	
s 108	Power to recover costs and expenses	GMCS, CEO	
s 109(1)(a)	Power to open, examine and repair a place of interment	GMCS, CEO, COC	Where the holder of right of interment or responsible person cannot be found
s 109(1)(b)	Power to repair a memorial or, with the Secretary's consent, take down, remove and dispose of a memorial	GMCS, CEO, COC	Where the holder of right of interment or responsible person cannot be found
s 109(2)	Power to repair the building for ceremonies or, with the consent of the Secretary, take down, remove and dispose of a building for ceremonies	GMCS, CTL, CEO, COC	Where the holder of right of interment or responsible person cannot be found

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 110(1)	Power to maintain, repair or restore a memorial or place of interment from other funds if unable to find right of interment holder. with consent of the Secretary	GMCS, CTL, CEO, COC	
s 110(1A)	Power to maintain, repair or restore the place of interment if unable to find any of the other holders after diligent inquiries and with the consent of the Secretary	GMCS, CCO, SCCO, COC	Provision commences on 1 March 2022
s 110(2)	Power to maintain, repair or restore any building for ceremonies from other funds if unable to find responsible person and with consent of the Secretary	GMCS, CTL, CEO, COC	
s 110A	Power to use cemetery trust funds or other funds for the purposes of establishing, maintaining, repairing or restoring any memorial or place of interment of any deceased identified veteran	GMCS, CEO, COC	
s 111	Power to enter into agreement with a holder of the right of interment to maintain a memorial or place of interment	GMCS, CEO, COC	
s 112	Power to sell and supply memorials	N/A	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116(4)	Duty to notify the Secretary of an interment authorisation granted	GMCS, CTL, CEO, COC	
s 116(5)	Power to require an applicant to produce evidence of the right of interment holder's consent to application	GMCS, CTL, CEO, COC	
s 118	Power to grant an interment authorisation if satisfied that the requirements of Division 2 of Part 8 have been met	GMCS, CEO, COC	
s 119	Power to set terms and conditions for interment authorisations	GMCS, CEO	
s 131	Function of receiving an application for cremation authorisation	N/A	
s 133(1)	Duty not to grant a cremation authorisation unless satisfied that requirements of s 133 have been complied with	N/A	Subject to s 133(2)
s 145	Duty to comply with an order made by the Magistrates' Court or a coroner	GMCS, CEO, COC	

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Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 146	Power to dispose of bodily remains by a method other than interment or cremation	GMCS, CTL, CEO, COC	Subject to the approval of the Secretary
s 147	Power to apply to the Secretary for approval to dispose of bodily remains by a method other than interment or cremation	GMCS, CTL, CEO, COC	
s 149	Duty to cease using method of disposal if approval revoked by the Secretary	GMCS, CTL, CEO, COC	
s 150 & 152(1)	Power to authorise the interment or cremation of body parts if the requirements of Division 1 of Part 11 are met	GMCS, CEO, COC	
s 151	Function of receiving applications to inter or cremate body parts	GMCS, CEO, COC	
s 152(2)	Power to impose terms and conditions on authorisation granted under s 150	GMCS, CEO, COC	

Cemeteries and Crematoria Act 2003			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 1 cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	GMCS, CEO	
sch 1 cl 8(8)	Power to regulate own proceedings	GMCS, CEO	Subject to cl 8
sch 1A cl 8(3)	Power to permit members to participate in a particular meeting by telephone, closed-circuit television or any other means of communication	N/A	Where Council is a Class A cemetery trust
sch 1A cl 8(8)	Power to regulate own proceedings	N/A	Where Council is a Class A cemetery trust Subject to cl 8

Domestic Animals Act 1994			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41A(1)	Power to declare a dog to be a menacing dog	CCC, CEO, GMD, MDS, SCCO	Council may delegate this power to a Council authorised officer

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(2)(a)	Power to direct by written order that the food premises be put into a clean and sanitary condition	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(2)(b)	Power to direct by written order that specified steps be taken to ensure that food prepared, sold or handled is safe and suitable	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(3)	Power to direct by written order that the food premises not be kept or used for the sale, or handling for sale, of any food, or for the preparation of any food, or for any other specified purpose, or for the use of any specified equipment or a specified process	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies Only in relation to temporary food premises or mobile food premises
s 19(4)(a)	Power to direct that an order made under s 19(3)(a) or (b), (i) be affixed to a conspicuous part of the premises, and (ii) inform the public by notice in a published newspaper or otherwise	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(6)(a)	Duty to revoke any order under section 19 if satisfied that an order has been complied with	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies
s 19(6)(b)	Duty to give written notice of revocation under section 19(6)(a) if satisfied that an order has been complied with	EHO, GMD, MDS, CEO, SEHO, EHC	If s 19(1) applies

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19AA(2)	Power to direct, by written order, that a person must take any of the actions described in (a)-(c).	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority
s 19AA(4)(c)	Power to direct, in an order made under s 19AA(2) or a subsequent written order, that a person must ensure that any food or class of food is not removed from the premises	EHO, GMD, MDS, CEO, SEHO, EHC	Note: the power to direct the matters under s 19AA(4)(a) and (b) not capable of delegation and so such directions must be made by a Council resolution
s 19AA(7)	Duty to revoke order issued under s 19AA and give written notice of revocation, if satisfied that that order has been complied with	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 19CB(4)(b)	Power to request copy of records	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19E(1)(d)	Power to request a copy of the food safety program	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19EA(3)	Function of receiving copy of revised food safety program	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19GB	Power to request proprietor to provide written details of the name, qualification or experience of the current food safety supervisor	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s19IA(1)	Power to form opinion that the food safety requirements or program are non-compliant.	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19IA(2)	Duty to give written notice to the proprietor of the premises	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority Note: Not required if Council has taken other appropriate action in relation to deficiencies (see s 19IA(3))
s 19M(4)(a) & (5)	Power to conduct a food safety audit and take actions where deficiencies are identified	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority
s 19N(2)	Function of receiving notice from the auditor	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 19NA(1)	Power to request food safety audit reports	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19U(3)	Power to waive and vary the costs of a food safety audit if there are special circumstances	GMD, MDS, CEO, EHC	
s 19UA	Power to charge fees for conducting a food safety assessment or inspection	GMD, MDS, CEO, EHC	Except for an assessment required by a declaration under s 19C or an inspection under ss 38B(1)(c) or 39.
s 19W	Power to direct a proprietor of a food premises to comply with any requirement under Part IIIB	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19W(3)(a)	Power to direct a proprietor of a food premises to have staff at the premises undertake training or instruction	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 19W(3)(b)	Power to direct a proprietor of a food premises to have details of any staff training incorporated into the minimum records required to be kept or food safety program of the premises	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power to register or renew the registration of a food premises	GMD, MDS, CEO, EHC	Where Council is the registration authority Refusal to grant or renew the registration of a food premises must be ratified by Council or the CEO (see s 58A(2))
s 36A	Power to accept an application for registration or notification using online portal	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 36B	Duty to pay the charge for use of online portal	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 38AA(5)	Power to (a) request further information; or (b) advise the proprietor that the premises must be registered if the premises are not exempt	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38AB(4)	Power to fix a fee for the receipt of a notification under s 38AA in accordance with a declaration under s 38AB(1)	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38A(4)	Power to request a copy of a completed food safety program template	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38B(1)(a)	Duty to assess the application and determine which class of food premises under s 19C the food premises belongs	EHO, GMD, MDS, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38B(1)(b)	Duty to ensure proprietor has complied with requirements of s 38A	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38B(2)	Duty to be satisfied of the matters in s 38B(2)(a)-(b)	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38D(1)	Duty to ensure compliance with the applicable provisions of s 38C and inspect the premises if required by s 39	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority
s 38D(2)	Duty to be satisfied of the matters in s 38D(2)(a)-(d)	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	Where Council is the registration authority

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Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38D(3)	Power to request copies of any audit reports	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38E(2)	Power to register the food premises on a conditional basis	GMD, MDS, CEO, EHC	Where Council is the registration authority not exceeding the prescribed time limit defined under s 38E(5)
s 38E(4)	Duty to register the food premises when conditions are satisfied	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 38F(3)(b)	Power to require proprietor to comply with requirements of this Act	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38G(1)	Power to require notification of change of the food safety program type used for the food premises	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 38G(2)	Function of receiving notice from proprietor if there is a change of the food safety program type used for the food premises	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 38G(4)	Power to require the proprietor of the food premises to comply with any requirement of the Act	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority
s 39(2)	Duty to carry out an inspection of the premises during the period of registration before the registration of the food premises is renewed	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	
s 39A	Power to register, or renew the registration of a food premises despite minor defects	GMD, MDS, CEO, EHC	Where Council is the registration authority Only if satisfied of matters in s 39A(2)(a)-(c)
s 39A (6)	Duty to comply with a direction of the Secretary	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	
s 40(1)	Duty to give the person in whose name the premises is to be registered a certificate of registration	GMD, MDS, EHC	Where Council is the registration authority
s 40(2)	Power to incorporate the certificate of registration in one document with any certificate of registration under Part 6 of the Public Health and Wellbeing Act 2008	GMD, MDS, CEO, EHC	

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40C(2)	Power to grant or renew the registration of food premises for a period of less than 1 year	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 40D(1)	Power to suspend or revoke the registration of food premises	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 40E	Duty to comply with direction of the Secretary	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	
s 40F	Power to cancel registration of food premises	GMD, MDS, CEO, EHC	Where Council is the registration authority
s 43	Duty to maintain records of registration	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	Where Council is the registration authority
s 43F(6)	Duty to be satisfied that registration requirements under Division 3 have been met prior to registering or renewing registration of a component of a food business	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	Where Council is the registration authority

Food Act 1984			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 43F(7)	Power to register the components of the food business that meet requirements in Division 3 and power to refuse to register the components that do not meet the requirements	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority
s 45AC	Power to bring proceedings	EHO, GMD, MDS, EHTO, CEHO, SEHO, EHC	
s 46(5)	Power to institute proceedings against another person where the offence was due to an act or default by that other person and where the first person charged could successfully defend a prosecution, without proceedings first being instituted against the person first charged	EHO, GMD, MDS, CEO, SEHO, EHC	Where Council is the registration authority

Heritage Act 2017			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 116	Power to sub-delegate Executive Director's functions, duties or powers	CEO, GMC, GMCS, GMD	Must first obtain Executive Director's written consent Council can only sub-delegate if the Instrument of Delegation from the Executive Director authorises sub-delegation

Local Government Act 1989			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 185L(4)	Power to declare and levy a cladding rectification charge	CEO, GMCS, MGP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 4B	Power to prepare an amendment to the Victorian Planning Provisions	GMD, GMC, CEO	If authorised by the Minister
s 4G	Function of receiving prescribed documents and a copy of the Victorian Planning Provisions from the Minister	GMD, GMC, CEO	
s 4H	Duty to make amendment to Victoria Planning Provisions available in accordance with public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 4I	Duty to keep Victorian Planning Provisions and other documents available in accordance with public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 8A(2)	Power to prepare amendment to the planning scheme where the Minister has given consent under s 8A	GMD, GMC, MCF, MDS, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 8A(3)	Power to apply to Minister to prepare an amendment to the planning scheme	GMD, GMC, MCF, MDS, CEO	
s 8A(5)	Function of receiving notice of the Minister's decision	GMD, GMC, MCF, MDS, CEO	
s 8A(7)	Power to prepare the amendment specified in the application without the Minister's authorisation if no response received after 10 business days	GMD, GMC, MCF, MDS, CEO	
s 8B(2)	Power to apply to the Minister for authorisation to prepare an amendment to the planning scheme of an adjoining municipal district	GMD, GMC, MCF, MDS, CEO	
s 12(3)	Power to carry out studies and do things to ensure proper use of land and consult with other persons to ensure co-ordination of planning scheme with these persons	GMD, GMC, MCF, MDS, CEO	
s 12B(1)	Duty to review planning scheme	GMD, GMC, CEO	
s 12B(2)	Duty to review planning scheme at direction of Minister	GMD, GMC, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.12B(5)	duty to report findings of review of planning scheme to Minister without delay	GMD, GMC, CEO	
s 14	duties of a Responsible Authority as set out in s 14(a) to (d)	GMD, GMC, MCF, MDS, CEO	
s 17(1)	Duty of giving copy amendment to the planning scheme	GMD, GMC, MCF, MDS, CEO	
s 17(2)	Duty of giving copy s 173 agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 17(3)	Duty of giving copy amendment, explanatory report and relevant documents to the Minister within 10 business days	CSP, GMD, GMC, MCF, MDS, CEO	
s 18	Duty to make amendment etc. available in accordance with public availability requirements	CSP, GMD, GMC, MCF, MDS, CEO	
s 19	Power to give notice, to decide not to give notice, to publish notice of amendment to a planning scheme and to exercise any other power under s 19 to a planning scheme	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19	Function of receiving notice of preparation of an amendment to a planning scheme	CSP, GMD, GMC, MCF, MDS, CEO	Where Council is not the planning authority and the amendment affects land within Council's municipal district; or Where the amendment will amend the planning scheme to designate Council as an acquiring authority.
s 20(1)	Power to apply to Minister for exemption from the requirements of s 19	GMD, GMC, MCF, MDS, CEO	Where Council is a planning authority
s 21(2)	Duty to make submissions available in accordance with public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 21A(4)	Duty to publish notice	GMD, GMC, MCF, MDS, CEO	
s 22	Duty to consider all submissions	GMD, GMC, MCF, MDS, CEO	Except submissions which request a change to the items in s 22(5)(a) and (b)
s 23(1)(b)	Duty to refer submissions which request a change to the amendment to a panel	CSP, GMD, GMC, MCF, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 23(2)	Power to refer to a panel submissions which do not require a change to the amendment	CSP, GMD, GMC, MCF, MDS, CEO	
s 24	Function to represent Council and present a submission at a panel hearing (including a hearing referred to in s 96D)	CSP, GMD, GMC, MCF, MDS, CEO	MDS, MCF, & CSP to refer matter to GMD when acting alone
s 26(1)	Power to make report available for inspection in accordance with the requirements set out in s 197B of the Act	CSP, GMD, GMC, MCF, MDS, CEO	
s 26(2)	Duty to keep report of panel available in accordance with public availability requirements	CSP, GMD, GMC, MCF, MDS, CEO	
s 27(2)	Power to apply for exemption if panel's report not received	GMD, GMC, CEO	
s 28(1)	Duty to notify the Minister if abandoning an amendment	CSP, GMD, GMC, MCF, MDS, CEO	Note: the power to make a decision to abandon an amendment cannot be delegated
s 28(2)	Duty to publish notice of the decision on Internet site	SPC, GMD, GMC, PSP, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 28(4)	Duty to make notice of the decision available on Council's Internet site for a period of at least 2 months	SPC, GMD, GMC, PSP, MDS, TLSPA, CEO, SSP	
s 30(4)(a)	Duty to say if amendment has lapsed	CSP, GMD, GMC, MCF, MDS, CEO	
s 30(4)(b)	Duty to provide information in writing upon request	CSP, GMD, GMC, MCF, MDS, CEO	
s 32(2)	Duty to give more notice if required	GMD, GMC, MCF, MDS, CEO	
s 33(1)	Duty to give more notice of changes to an amendment	GMD, GMC, MCF, MDS, CEO	
s 36(2)	Duty to give notice of approval of amendment	GMD, GMC, MCF, MDS, CEO	
s 38(5)	Duty to give notice of revocation of an amendment	GMD, GMC, MCF, MDS, CEO	
s 39	Function of being a party to a proceeding commenced under s 39 and duty to comply with determination by VCAT	GMD, GMC, MCF, MDS, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 40(1)	Function of lodging copy of approved amendment	GMD, GMC, MCF, MDS, CEO	
s 41(1)	Duty to make a copy of an approved amendment available in accordance with the public availability requirements during inspection period	CSP, GMD, GMC, MCF, MDS, CEO	
s 41(2)	Duty to make a copy of an approved amendment and any documents lodged with it available in person in accordance with the requirements set out in s 197B of the Act after the inspection period ends	CSP, GMD, GMC, MCF, MDS, CEO	
s 42(2)	Duty to make copy of planning scheme available in accordance with the public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 46AAA	Duty to prepare an amendment to a planning scheme that relates to Yarra River land that is not inconsistent with anything in a Yarra Strategic Plan which is expressed to be binding on the responsible public entity	N/A	Where Council is a responsible public entity and is a planning authority Note: this provision is not yet in force, and will commence on the day on which the initial Yarra Strategic Plan comes into operation. It will affect a limited number of councils
s 46AW	Function of being consulted by the Minister	GMD, GMC, GMCS, CEO	Where Council is a responsible public entity

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46AX	Function of receiving a draft Statement of Planning Policy and written direction in relation to the endorsement of the draft Statement of Planning Policy Power to endorse the draft Statement of Planning Policy	GMD, GMC, CEO	Where Council is a responsible public entity
s 46AZC(2)	Duty not to prepare an amendment to a declared area planning scheme that is inconsistent with a Statement of Planning Policy for the declared area that is expressed to be binding on the responsible public entity	CSP, SPC, GMD, GMC, PSP, MCF, MDS, CEO, SSP	Where Council is a responsible public entity
s 46AZK	Duty not to act inconsistently with any provision of the Statement of Planning Policy that is expressed to be binding on the public entity when performing a function or duty or exercising a power in relation to the declared area	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	Where Council is a responsible public entity
s 46GI(2)(b)(i)	Power to agree to a lower rate of standard levy for a class of development of a particular type of land than the rate specified in a Minister's direction	GMD, GMC, MCF, MDS, CEO	Where Council is the planning authority, the municipal Council of the municipal district in which the land is located and/or the development agency Where Council is a collection agency.
s 46GJ(1)	Function of receiving written directions from the Minister in relation to the preparation and content of infrastructure contributions plans	GMD, GMC, GMCS, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GK	Duty to comply with a Minister's direction that applies to Council as the planning authority	CSP, GMC, MCF, CEO	
s 46GN(1)	Duty to arrange for estimates of values of inner public purpose land	CSP, GMC, MCF, CEO	
s 46GO(1)	Duty to give notice to owners of certain inner public purpose land	CSP, GMC, MCF, CEO	
s 46GP	Function of receiving a notice under s 46GO	CSP, GMD, GMC, GMCS, MCF, CEO	Where Council is the collecting agency
s 46GQ	Function of receiving a submission from an affected owner who objects to the estimated value per hectare (or other appropriate unit of measurement) of the inner public purpose land	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GR(1)	Duty to consider every submission that is made by the closing date for submissions included in the notice under s 46GO	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GR(2)	Power to consider a late submission Duty to consider a late submission if directed to do so by the Minister	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GS(1)	Power to accept or reject the estimate of the value of the inner public purpose land in a submission made under s 46GQ	CSP, GMD, GMC, GMCS, MCF, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GS(2)	Duty, if Council rejects the estimate of the value of the inner public purpose land in the submission, to refer the matter to the valuer-general, and notify the affected owner of the rejection and that the matter has been referred to the valuer-general	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GT(2)	Duty to pay half of the fee fixed by the valuer-general for arranging and attending the conference	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GT(4)	Function of receiving, from the valuer-general, written confirmation of the agreement between the planning authority's valuer and the affected owner's valuer as to the estimated value of the inner public purpose land	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GT(6)	Function of receiving, from the valuer-general, written notice of a determination under s 46GT(5)	CSP, GMD, GMC, GMCS, MCF, CEO	
s 46GU	Duty not to adopt an amendment under s.29 to an infrastructure contributions plan that specifies a land credit amount or a land equalisation amount that relates to a parcel of land in the ICP plan area of the plan unless the criteria in s 46GU(1)(a) and (b) are met	GMD, GMC, GMCS, MCF, CEO	
s 46GV(3)	Function of receiving the monetary component and any land equalisation amount of the infrastructure contribution Power to specify the manner in which the payment is to be made	GMD, GMC, GMCS, MCF, MFS, CEO	Where Council is the collecting agency
s 46GV(3)(b)	Power to enter into an agreement with the applicant	GMD, GMC, GMCS, CEO	Where Council is the collecting agency

S6 Instrument of Delegation Members of Staff

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GV(4)(a)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMD, GMC, GMCS, CEO	Where Council is the development agency
s 46GV(4)(b)	Function of receiving the inner public purpose land in accordance with s 46GV(5) and (6)	GMD, GMC, GMCS, CEO	Where Council is the collecting agency
s 46GV(7)	Duty to impose the requirements set out in s 46GV(3) and (4) as conditions on the permit applied for by the applicant to develop the land in the ICP plan area	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 46GV(9)	Power to require the payment of a monetary component or the provision of the land component of an infrastructure contribution to be secured to Council's satisfaction	GMD, GMCS, MDS, MAS, MFS, CEO, MWES	Where Council is the collecting agency
s 46GX(1)	Power to accept works, services or facilities in part or full satisfaction of the monetary component of an infrastructure contribution payable	GMD, GMC, GMCS, CEO	Where Council is the collecting agency Where Council is a collection agency.
s 46GX(2)	Duty, before accepting the provision of works, services or facilities by an applicant under s 46GX(1), to obtain the agreement of the development agency or agencies specified in the approved infrastructure contributions plan	GMD, MAS, CEO, MWES	Where Council is the collecting agency
s 46GY(1)	Duty to keep proper and separate accounts and records	GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the collecting agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GY(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the collecting agency
s 46GZ(2)(a)	Duty to forward any part of the monetary component that is imposed for plan preparation costs to the planning authority that incurred those costs	GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is that planning authority
s 46GZ(2)(a)	Function of receiving the monetary component	GMD, GMC, GMCS, MFS, CEO	Where the Council is the planning authority This duty does not apply where Council is also the collecting agency
s 46GZ(2)(b)	Duty to forward any part of the monetary component that is imposed for the provision of works, services or facilities to the development agency that is specified in the plan, as responsible for those works, services or facilities	GMD, GMC, GMCS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency Where Council is a collection agency.

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(2)(b)	Function of receiving the monetary component	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(4)	Duty to use any land equalisation amounts to pay land credit amounts under s 46GZ(7), except any part of those amounts that are to be forwarded to a development agency under s 46GZ(5)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(5)	Duty to forward any part of a land equalisation amount required for the acquisition of outer public purpose land by a development agency specified in the approved infrastructure contributions plan to that development agency	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan This provision does not apply where Council is also the relevant development agency <hr/> Must be done in accordance with Local Government Act 1989.

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(5)	Function of receiving any part of a land equalisation amount required for the acquisition of outer public purpose land	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency specified in the approved infrastructure contributions plan This provision does not apply where Council is also the collecting agency
s 46GZ(7)	Duty to pay to each person who must provide an infrastructure contribution under the approved infrastructure contributions plan any land credit amount to which the person is entitled under s 46GW	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZ(9)	Duty to transfer the estate in fee simple in the land to the development agency specified in the approved infrastructure contributions plan as responsible for the use and development of that land	GMD, GMC, GMCS, MFS, CEO	If any inner public purpose land is vested in Council under the Subdivision Act 1988 or acquired by Council before the time it is required to be provided to Council under s 46GV(4) Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZ(9)	Function of receiving the fee simple in the land	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency
s 46GZA(1)	Duty to keep proper and separate accounts and records	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZA(2)	Duty to keep the accounts and records in accordance with the Local Government Act 2020	GMD, GMC, GMCS, MFS, CEO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(3)	Duty to follow the steps set out in s 46GZB(3)(a) – (c)	GMD, GMCS, MFS, CEO	Where Council is a development agency under an approved infrastructure contributions plan
s 46GZB(4)	Duty, in accordance with requirements of the VPA, to report on the use of the infrastructure contribution in the development agency's annual report and provide reports on the use of the infrastructure contribution to the VPA	GMD, GMC, GMCS, MFS, CEO	If the VPA is the collecting agency under an approved infrastructure contributions plan Where Council is a development agency under an approved infrastructure contributions plan
s 46GZD(2)	Duty, within 6 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZD(2)(a) and (b)	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZD(3)	Duty to follow the steps set out in s 46GZD(3)(a) and (b)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZD(5)	Duty to make payments under s 46GZD(3) in accordance with ss 46GZD(5)(a) and 46GZD(5)(b)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZE(2)	Duty to forward the land equalisation amount back to the collecting agency within 6 months after the expiry date if any part of a land equalisation amount paid or forwarded to a development agency for acquiring outer public purpose land has not been expended by the development agency to acquire that land at the date on which the approved infrastructure contributions plan expires	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan This duty does not apply where Council is also the collecting agency <hr/> Where Council is a collection agency.
s 46GZE(2)	Function of receiving the unexpended land equalisation amount	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan This duty does not apply where Council is also the development agency
s 46GZE(3)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to follow the steps set out in s 46GZE(3)(a) and (b)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZF(2)	Duty, within 12 months after the date on which the approved infrastructure contributions plan expires, to use the public purpose land for a public purpose approved by the Minister or sell the public purpose land	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan
s.46GZF(3)	Duty, if land is sold under s.46GZF(2)(b), to follow the steps in s.46GZF(3)(a) and (b)	GMD, GMC, GMCS, MFS, CEO	Where Council is the development agency under an approved infrastructure contributions plan
s 46GZF(3)	s 46GZF(3)(a) function of receiving proceeds of sale	GMD, GMC, GMCS, MFS, CEO	Where Council is the collection agency under an approved infrastructure contributions plan This provision does not apply where Council is also the development agency
s 46GZF(4)	Duty to divide the proceeds of the public purpose land among the current owners of each parcel of land in the ICP plan area and pay each current owner a portion of the proceeds in accordance with s 46GZF(5)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZF(6)	Duty to make the payments under s 46GZF(4) in accordance with s 46GZF(6)(a) and (b)	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan
s 46GZH	Power to recover the monetary component, or any land equalisation amount of the land component, payable under Part 3AB as a debt in any court of competent jurisdiction	GMD, GMC, GMCS, MFS, CEO	Where Council is the collecting agency under an approved infrastructure contributions plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46GZI	Duty to prepare and give a report to the Minister at the times required by the Minister	GMD, GMC, GMCS, MCF, CEO	Where Council is a collecting agency or development agency Where Council is a collection agency or development agency.
s 46GZK	Power to deal with public purpose land which has vested in, been acquired by, or transferred to, Council	GMD, GMC, GMCS, MFS, CEO	Where Council is a collecting agency or development agency
s 46LB(3)	Duty to publish, on Council's Internet site, the payable dwelling amount for a financial year on or before 1 July of each financial year for which the amount is adjusted under s 46LB (2)	GMD, MAS, CEO, MWES	
s 46N(1)	Duty to include condition in permit regarding payment of development infrastructure levy	GMD, GMC, MCF, MDS, CEO	
s 46N(2)(c)	Function of determining time and manner for receipt of development contributions levy	GMD, GMC, MCF, MDS, CEO	Requires consideration of requirements from MAS and Development Contributions Plan
s 46N(2)(d)	Power to enter into an agreement with the applicant regarding payment of development infrastructure levy	GMD, GMC, CEO	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46O(1)(a) & (2)(a)	Power to ensure that community infrastructure levy is paid, or agreement is in place, prior to issuing building permit	MBS, GMD, GMC, MCF, MDS, CEO	Requires consideration of requirement from MAS, MDS, MCF and Development Contributions Plan
s 46O(1)(d) & (2)(d)	Power to enter into agreement with the applicant regarding payment of community infrastructure levy	GMD, GMC, CEO	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46P(1)	Power to require payment of amount of levy under s 46N or s 46O to be satisfactorily secured	GMD, GMC, MCF, MDS, CEO	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46P(2)	Power to accept provision of land, works, services or facilities in part or full payment of levy payable	GMD, GMC, CEO	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(1)	Duty to keep proper accounts of levies paid	GMCS, MFS, CEO	To be based on information supply by the Development Services Unit
s 46Q(1A)	Duty to forward to development agency part of levy imposed for carrying out works, services, or facilities on behalf of development agency or plan preparation costs incurred by a development agency	GMD, GMC, MCF, MDS, MAS, CEO, MWES	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46Q(2)	Duty to apply levy only for a purpose relating to the provision of plan preparation costs or the works, services and facilities in respect of which the levy was paid etc	GMD, GMC, GMCS, CEO	Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(3)	Power to refund any amount of levy paid if it is satisfied the development is not to proceed	GMD, GMC, CEO	Only applies when levy is paid to Council as a 'development agency' Requires consideration of requirements from MAS, MDS, MCF and Development Contributions Plan
s 46Q(4)(c)	Duty to pay amount to current owners of land in the area if an amount of levy has been paid to a municipal council as a development agency for plan preparation costs incurred by the Council or for the provision by the Council of works, services or facilities in an area under s 46Q(4)(a)	GMD, GMC, CEO	Must be done within six months of the end of the period required by the development contributions plan and with the consent of, and in the manner approved by, the Minister Requires consideration of requirements from Development Contributions Plan
s 46Q(4)(d)	Duty to submit to the Minister an amendment to the approved development contributions plan	GMD, GMC, MCF, MDS, CEO	Must be done in accordance with Part 3
s46Q(4)(e)	Duty to expend that amount on other works etc.	GMD, GMC, CEO	With the consent of, and in the manner approved by, the Minister

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 46QC	Power to recover any amount of levy payable under Part 3B	GMD, GMC, GMCS, CEO	
s 46QD	Duty to prepare report and give a report to the Minister	GMD, GMC, MDS, CEO	Where Council is a collecting agency or development agency Where Council is a collection agency or development agency.
s 46V(3)	Duty to make a copy of the approved strategy plan (being the Melbourne Airport Environs Strategy Plan) and any documents lodged with it available	N/A	
s 46Y	Duty to carry out works in conformity with the approved strategy plan	N/A	
s 47	Power to decide that an application for a planning permit does not comply with that Act	GMD, GMC, MCF, MDS, CEO	
s 49(1)	Duty to keep a register of all applications for permits and determinations relating to permits	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 49(2)	Duty to make register available for inspection in accordance with the public availability requirements	GMD, GMC, MCF, MDS, CEO	
s 50(4)	Duty to amend application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50(5)	Power to refuse to amend application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50(6)	Duty to make note of amendment to application in register	SPC, GMD, PSP, TP, STP, MDS, SO, TLSPA, CEO, SSP	
s 50A(1)	Power to make amendment to application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50A(3)	Power to require applicant to notify owner and make a declaration that notice has been given	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 50A(4)	Duty to note amendment to application in register	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 51	Duty to make copy of application available for inspection in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(a)	Duty to give notice of the application to owners/occupiers of adjoining allotments unless satisfied that the grant of permit would not cause material detriment to any person	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(b)	Duty to give notice of the application to other municipal council where appropriate	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(c)	Duty to give notice of the application to all persons required by the planning scheme	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(ca)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if may result in breach of covenant	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 52(1)(cb)	Duty to give notice of the application to owners and occupiers of land benefited by a registered restrictive covenant if application is to remove or vary the covenant	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(1)(d)	Duty to give notice of the application to other persons who may be detrimentally effected	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s.52(1AA)	Duty to give notice of an application to remove or vary a registered restrictive covenant	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 52(3)	Power to give any further notice of an application where appropriate	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 53(1)	Power to require the applicant to give notice under s 52(1) to persons specified by it	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 53(1A)	Power to require the applicant to give the notice under s 52(1AA)	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 54(1)	Power to require the applicant to provide more information	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 54(1A)	Duty to give notice in writing of information required under s 54(1)	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 54(1B)	Duty to specify the lapse date for an application	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 54A(3)	Power to decide to extend time or refuse to extend time to give required information	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 54A(4)	Duty to give written notice of decision to extend or refuse to extend time under s 54A(3)	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 55(1)	Duty to give copy application, together with the prescribed information, to every referral authority specified in the planning scheme	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57(2A)	Power to reject objections considered made primarily for commercial advantage for the objector	GMD, GMC, MCF, MDS, CEO	
s 57(3)	Function of receiving name and address of persons to whom notice of decision is to go	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 57(5)	Duty to make a copy of all objections available in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 57A(4)	Duty to amend application in accordance with applicant's request, subject to s 57A(5)	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 57A(5)	Power to refuse to amend application	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 57A(6)	Duty to note amendments to application in register	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 57B(1)	Duty to determine whether and to whom notice should be given	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 57B(2)	Duty to consider certain matters in determining whether notice should be given	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 57C(1)	Duty to give copy of amended application to referral authority	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 58	Duty to consider every application for a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 58A	Power to request advice from the Planning Application Committee	SPC, GMD, GMC, PSP, MCF, MDS, CEO, SSP	
s 60	Duty to consider certain matters	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 60(1A)	Duty to consider certain matters	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 60(1B)	Duty to consider number of objectors in considering whether use or development may have significant social effect	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CTP, CEO, SSP	
s 61(1)	Power to determine permit application, either to decide to grant a permit, to decide to grant a permit with conditions or to refuse a permit application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	The permit must not be inconsistent with a cultural heritage management plan under the Aboriginal Heritage Act 2006 Where 7 or more objections are received, applications must be referred to Council.
s 61(2)	Duty to decide to refuse to grant a permit if a relevant determining referral authority objects to grant of permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 61(2A)	Power to decide to refuse to grant a permit if a relevant recommending referral authority objects to the grant of permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 61(3)(a)	Duty not to decide to grant a permit to use coastal Crown land without Minister's consent	N/A	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 61(3)(b)	Duty to refuse to grant the permit without the Minister's consent	N/A	
s 61(4)	Duty to refuse to grant the permit if grant would authorise a breach of a registered restrictive covenant	SPC, GMD, GMC, MCF, MDS, CEO	
s 62(1)	Duty to include certain conditions in deciding to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(2)	Power to include other conditions	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(4)	Duty to ensure conditions are consistent with paragraphs (a),(b) and (c)	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(5)(a)	Power to include a permit condition to implement an approved development contributions plan or an approved infrastructure contributions plan	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 62(5)(b)	Power to include a permit condition that specified works be provided on or to the land or paid for in accordance with s 173 agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(5)(c)	Power to include a permit condition that specified works be provided or paid for by the applicant	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 62(6)(a)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except in accordance with ss 46N(1), 46GV(7) or 62(5)	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 62(6)(b)	Duty not to include a permit condition requiring a person to pay an amount for or provide works except a condition that a planning scheme requires to be included as referred to in s 62(1)(a)	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 63	Duty to issue the permit where made a decision in favour of the application (if no one has objected)	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 64(1)	Duty to give notice of decision to grant a permit to applicant and objectors	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 64(3)	Duty not to issue a permit until after the specified period	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64(5)	Duty to give each objector a copy of an exempt decision	GMD, MDS, CEO	This provision applies also to a decision to grant an amendment to a permit - see s 75
s 64A	Duty not to issue permit until the end of a period when an application for review may be lodged with VCAT or until VCAT has determined the application, if a relevant recommending referral authority has objected to the grant of a permit	SPC, GMD, PSP, STP, MDS, CEO, SSP	This provision applies also to a decision to grant an amendment to a permit - see s 75A
s 65(1)	Duty to give notice of refusal to grant permit to applicant and person who objected under s 57	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 66(1)	Duty to give notice under s 64 or s 65 and copy permit to relevant determining referral authorities	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 66(2)	Duty to give a recommending referral authority notice of its decision to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the grant of the permit or the responsible authority decided not to include a condition on the permit recommended by the recommending referral authority
s 66(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the grant of the permit or the recommending referral authority recommended that a permit condition be included on the permit
s 66(6)	Duty to give a recommending referral authority a copy of any permit which Council decides to grant and a copy of any notice given under s 64 or 65	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority did not object to the grant of the permit or the recommending referral authority did not recommend a condition be included on the permit
s 69(1)	Function of receiving application for extension of time of permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 69(1A)	Function of receiving application for extension of time to complete development	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 69(2)	Power to extend time	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 70	Duty to make copy permit available for inspection in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 71(1)	Power to correct certain mistakes	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 71(2)	Duty to note corrections in register	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 73	Power to decide to grant amendment subject to conditions	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 74	Duty to issue amended permit to applicant if no objectors	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 76	Duty to give applicant and objectors notice of decision to refuse to grant amendment to permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 76A(1)	Duty to give relevant determining referral authorities copy of amended permit and copy of notice	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 76A(2)	Duty to give a recommending referral authority notice of its decision to grant an amendment to a permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the amendment of the permit or the responsible authority decided not to include a condition on the amended permit recommended by the recommending referral authority
s 76A(4)	Duty to give a recommending referral authority notice of its decision to refuse a permit	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority objected to the amendment of the permit or the recommending referral authority recommended that a permit condition be included on the amended permit
s 76A(6)	Duty to give a recommending referral authority a copy of any amended permit which Council decides to grant and a copy of any notice given under s 64 or 76	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	If the recommending referral authority did not object to the amendment of the permit or the recommending referral authority did not recommend a condition be included on the amended permit
s 76D	Duty to comply with direction of Minister to issue amended permit	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 83	Function of being respondent to an appeal	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 83B	Duty to give or publish notice of application for review	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 84(1)	Power to decide on an application at any time after an appeal is lodged against failure to grant a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 84(2)	Duty not to issue a permit or notice of decision or refusal after an application is made for review of a failure to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 84(3)	Duty to tell principal registrar if decide to grant a permit after an application is made for review of its failure to grant a permit	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 84(6)	Duty to issue permit on receipt of advice within 3 working days	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 84AB	Power to agree to confining a review by the Tribunal	SPC, GMD, MDS, CEO	
s 86	Duty to issue a permit at order of Tribunal within 3 working days	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 87(3)	Power to apply to VCAT for the cancellation or amendment of a permit	GMD, MDS, CEO	
s 90(1)	Function of being heard at hearing of request for cancellation or amendment of a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 91(2)	Duty to comply with the directions of VCAT	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 91(2A)	Duty to issue amended permit to owner if Tribunal so directs	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 92	Duty to give notice of cancellation/amendment of permit by VCAT to persons entitled to be heard under s 90	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 93(2)	Duty to give notice of VCAT order to stop development	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 95(3)	Function of referring certain applications to the Minister	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 95(4)	Duty to comply with an order or direction	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 96(1)	Duty to obtain a permit from the Minister to use and develop its land	GMD, CEO	
s 96(2)	Function of giving consent to other persons to apply to the Minister for a permit to use and develop Council land	GMD, CEO	
s 96A(2)	Power to agree to consider an application for permit concurrently with preparation of proposed amendment	SPC, GMD, GMC, MCF, MDS, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 96C	Power to give notice, to decide not to give notice, to publish notice and to exercise any other power under s 96C	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 96F	Duty to consider the panel's report under s 96E	SPC, GMD, GMC, MCF, MDS, CEO	
s 96G(1)	Power to determine to recommend that a permit be granted or to refuse to recommend that a permit be granted and power to notify applicant of the determination (including power to give notice under s 23 of the Planning and Environment (Planning Schemes) Act 1996)	GMD, CEO	
s 96H(3)	Power to give notice in compliance with Minister's direction	GMD, GMC, MCF, MDS, CEO	
s 96J	Power to issue permit as directed by the Minister	GMD, CEO	
s 96K	Duty to comply with direction of the Minister to give notice of refusal	GMD, CEO	
s 96Z	Duty to keep levy certificates given to it under ss 47 or 96A for no less than 5 years from receipt of the certificate	GMD, GMC, MCF, MDS, CEO	
s 97C	Power to request Minister to decide the application	GMD, GMC, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97D(1)	Duty to comply with directions of Minister to supply any document or assistance relating to application	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97G(3)	Function of receiving from Minister copy of notice of refusal to grant permit or copy of any permit granted by the Minister	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97G(6)	Duty to make a copy of permits issued under s 97F available in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 97L	Duty to include Ministerial decisions in a register kept under s 49	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97MH	Duty to provide information or assistance to the Planning Application Committee	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 97MI	Duty to contribute to the costs of the Planning Application Committee or subcommittee	GMD, GMC, CEO	
s 97O	Duty to consider application and issue or refuse to issue certificate of compliance	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 97P(3)	Duty to comply with directions of VCAT following an application for review of a failure or refusal to issue a certificate	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97Q(2)	Function of being heard by VCAT at hearing of request for amendment or cancellation of certificate	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 97Q(4)	Duty to comply with directions of VCAT	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 97R	Duty to keep register of all applications for certificate of compliance and related decisions	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 98(1)&(2)	Function of receiving claim for compensation in certain circumstances	GMD, GMC, CEO	
s 98(4)	Duty to inform any person of the name of the person from whom compensation can be claimed	GMD, GMC, CEO	
s 101	Function of receiving claim for expenses in conjunction with claim	GMD, GMC, MCF, MDS, CEO	
s 103	Power to reject a claim for compensation in certain circumstances	GMD, GMC, CEO	
s.107(1)	function of receiving claim for compensation	GMD, GMC, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 107(3)	Power to agree to extend time for making claim	GMD, CEO	
s 113(2)	Power to request a declaration for land to be proposed to be reserved for public purposes	GMD, MDS, MAS	
s 114(1)	Power to apply to the VCAT for an enforcement order	CSP, SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 117(1)(a)	Function of making a submission to the VCAT where objections are received	CSP, SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 120(1)	Power to apply for an interim enforcement order where s 114 application has been made	SPC, EO, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
s 123(1)	Power to carry out work required by enforcement order and recover costs	GMD, CEO	
s 123(2)	Power to sell buildings, materials, etc salvaged in carrying out work under s 123(1)	GMD, CEO	Except Crown Land
s 129	Function of recovering penalties	GMCS, MFS, CEO	
s 130(5)	Power to allow person served with an infringement notice further time	GMD, GMC, MCF, MDS, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 149A(1)	Power to refer a matter to the VCAT for determination	GMD, GMC, MCF, MDS, CEO	
s 149A(1A)	power to apply to VCAT for the determination of a matter relating to the interpretation of a s.173 agreement	SPC, GMD, GMC, MCF, MDS, CEO	SPC in consultation with GMD and MDS
s 156	Duty to pay fees and allowances (including a payment to the Crown under s 156(2A)), and payment or reimbursement for reasonable costs and expenses incurred by the panel in carrying out its functions unless the Minister directs otherwise under s 156(2B)power to ask for contribution under s 156(3) and power to abandon amendment or part of it under s 156(4)	GMD, GMC, MCF, MDS, CEO	Where Council is the relevant planning authority
s 171(2)(f)	Power to carry out studies and commission reports	GMD, GMC, MCF, MDS, CEO	
s 171(2)(g)	Power to grant and reserve easements	GMD, GMC, MCF, MDS, CEO	
s 172C	Power to compulsorily acquire any outer public purpose land that is specified in the approved infrastructure contributions plan	GMD, GMC, GMCS, CEO	Where Council is a development agency specified in an approved infrastructure contributions plan
s 172D(1)	Power to compulsorily acquire any inner public purpose land that is specified in the plan before the time that the land is required to be provided to Council under s 46GV(4)	GMD, GMC, GMCS, CEO	Where Council is a collecting agency specified in an approved infrastructure contributions plan
s 172D(2)	Power to compulsorily acquire any inner public purpose land, the use and development of which is to be the responsibility of Council under the plan, before the time that the land is required to be provided under s 46GV(4)	GMD, GMC, GMCS, CEO	Where Council is the development agency specified in an approved infrastructure contributions plan

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 173(1)	Power to enter into agreement covering matters set out in s 174	GMD, GMC, GMCS, CEO	
s 173(1A)	Power to enter into an agreement with an owner of land for the development or provision of land in relation to affordable housing	GMD, GMC, GMCS, CEO	Where Council is the relevant responsible authority
	Power to decide whether something is to the satisfaction of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires something to be to the satisfaction of Council or Responsible Authority	GMD, GMC, MCF, MDS, CEO	
	Power to give consent on behalf of Council, where an agreement made under s 173 of the Planning and Environment Act 1987 requires that something may not be done without the consent of Council or Responsible Authority	GMD, GMC, MCF, MDS, CEO	
s 177(2)	Power to end a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMD, GMC, MCF, MDS, CEO	
s 178	power to amend a s 173 agreement with the agreement of all those bound by any covenant in the agreement or otherwise in accordance with Division 2 of Part 9	GMD, GMC, GMCS, CEO	
s 178A(1)	Function of receiving application to amend or end an agreement	GMD, CEO	

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Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178A(3)	Function of notifying the owner as to whether it agrees in principle to the proposal under s 178A(1)	SPC, GMD, PSP, MDS, CEO, SSP	
s 178A(4)	Function of notifying the applicant and the owner as to whether it agrees in principle to the proposal	SPC, GMD, PSP, MDS, CEO, SSP	
s 178A(5)	Power to propose to amend or end an agreement	GMD, CEO	
s 178B(1)	Duty to consider certain matters when considering proposal to amend an agreement	SPC, GMD, PSP, MDS, CEO, SSP	
s 178B(2)	Duty to consider certain matters when considering proposal to end an agreement	SPC, GMD, PSP, MDS, CEO, SSP	
s 178C(2)	Duty to give notice of the proposal to all parties to the agreement and other persons who may be detrimentally affected by decision to amend or end	SPC, GMD, PSP, MDS, CEO, SSP	
s 178C(4)	Function of determining how to give notice under s 178C(2)	SPC, GMD, PSP, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178E(1)	Duty not to make decision until after 14 days after notice has been given	SPC, GMD, MDS, CEO	
s.178E(2)(a)	Power to amend or end the agreement in accordance with the proposal	GMD, CEO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	GMD, CEO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(2)(c)	Power to refuse to amend or end the agreement	GMD, CEO	If no objections are made under s 178D Must consider matters in s 178B
s 178E(3)(a)	Power to amend or end the agreement in accordance with the proposal	GMD, CEO	After considering objections, submissions and matters in s 178B
s 178E(3)(b)	Power to amend or end the agreement in a manner that is not substantively different from the proposal	GMD, CEO	After considering objections, submissions and matters in s 178B

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s.178E(3)(c)	power to amend or end the agreement in a manner that is substantively different from the proposal	GMD, CEO	After considering objections, submissions and matters in s.178B
s 178E(3)(d)	Power to refuse to amend or end the agreement	GMD, CEO	After considering objections, submissions and matters in s 178B
s 178F(1)	Duty to give notice of its decision under s 178E(3)(a) or (b)	SPC, GMD, PSP, TP, STP, MDS, TLSPA, CEO, SSP	
s 178F(2)	Duty to give notice of its decision under s 178E(2)(c) or (3)(d)	SPC, GMD, PSP, TP, STP, MDS, TLSPA, CEO, SSP	
s 178F(4)	Duty not to proceed to amend or end an agreement under s 178E until at least 21 days after notice has been given or until an application for review to the Tribunal has been determined or withdrawn	GMD, MDS, CEO	
s 178G	Duty to sign amended agreement and give copy to each other party to the agreement	GMD, CEO	
s 178H	Power to require a person who applies to amend or end an agreement to pay the costs of giving notices and preparing the amended agreement	SPC, GMD, PSP, MDS, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 178I(3)	Duty to notify, in writing, each party to the agreement of the ending of the agreement relating to Crown land	SPC, GMD, PSP, MDS, CEO, SSP	
s 179(2)	Duty to make copy of each agreement available in accordance with the public availability requirements	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 181	Duty to apply to the Registrar of Titles to record the agreement and to deliver a memorial to Registrar-General	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 181(1A)(a)	Power to apply to the Registrar of Titles to record the agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 181(1A)(b)	Duty to apply to the Registrar of Titles, without delay, to record the agreement	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 182	Power to enforce an agreement	SPC, EO, GMD, GMC, MCF, MDS, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 183	Duty to tell Registrar of Titles of ending/amendment of agreement	SPC, GMD, GMC, PSP, STP, MDS, CEO, SSP	
s 184F(1)	Power to decide to amend or end an agreement at any time after an application for review of the failure of Council to make a decision	GMD, CEO	
s 184F(2)	Duty not to amend or end the agreement or give notice of the decision after an application is made to VCAT for review of a failure to amend or end an agreement	GMD, CEO	
s 184F(3)	Duty to inform the principal registrar if the responsible authority decides to amend or end an agreement after an application is made for the review of its failure to end or amend the agreement	SPC, GMD, MDS, CEO	
s 184F(5)	Function of receiving advice from the principal registrar that the agreement may be amended or ended in accordance with Council's decision	SPC, GMD, MDS, CEO	
s 184G(2)	Duty to comply with a direction of the Tribunal	SPC, EO, GMD, PSP, TP, STP, MDS, SO, TLSPA, CEO, SSP	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 184G(3)	Duty to give notice as directed by the Tribunal	SPC, GMD, PSP, TP, STP, MDS, SO, TLSPA, CEO, SSP	
s 198(1)	Function to receive application for planning certificate	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 199(1)	Duty to give planning certificate to applicant	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, SO, TLSPA, CEO, SSP	
s 201(1)	Function of receiving application for declaration of underlying zoning	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
s 201(3)	Duty to make declaration	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
	Power to decide, in relation to any planning scheme or permit, that a specified thing has or has not been done to the satisfaction of Council	GMD, GMC, CEO	

Planning and Environment Act 1987			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
	Power, in relation to any planning scheme or permit, to consent or refuse to consent to any matter which requires the consent or approval of Council	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
	Power to approve any plan or any amendment to a plan or other document in accordance with a provision of a planning scheme or condition in a permit	SPC, GMD, GMC, PSP, STP, MCF, MDS, CEO, SSP	
	Power to give written authorisation in accordance with a provision of a planning scheme	GMD, GMC, MCF, MDS, CEO	
s 201UAB(1)	Function of providing the Victoria Planning Authority with information relating to any land within municipal district	CSP, SPC, GMD, GMC, MCF, MDS, CEO	
s 201UAB(2)	Duty to provide the Victoria Planning Authority with information requested under s 201UAB(1) as soon as possible	CSP, SPC, GMD, GMC, MCF, MDS, CEO	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	EHO, GMD, MDS, CEO, SEHO, EHC	
s 522(1)	Power to give a compliance notice to a person	EHO, GMD, MDS, CEO, SEHO, EHC	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	GMD, MDS, CEO, EHC	
s 525(4)	Duty to issue identity card to authorised officers	GMCS, MGP, GRC, CEO	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	MBS, GMD, MDS, CEO, EHC	
s 526A(3)	Function of receiving report of inspection	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	GMD, MDS, CEO, EHC	
s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	CEO, EHC, EHO, EHTO, GMD, MDS, SEHO	

Residential Tenancies Act 1997			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 206AZA(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 207ZE(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 311A(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 317ZDA(2)	Function of receiving written notification	CEO, EHC, GMD, MDS	
s 518F	Power to issue notice to caravan park regarding emergency management plan if determined that the plan does not comply with the requirements	CEO, EHC, EHO, GMD, MDS, SEHO	
s 522(1)	Power to give a compliance notice to a person	CEO, EHC, EHO, GMD, MDS, SEHO	
s 525(2)	Power to authorise an officer to exercise powers in s 526 (either generally or in a particular case)	CEO, EHC, GMD, MDS	
s 525(4)	Duty to issue identity card to authorised officers	CEO, GMCS, GRC, MGP	
s 526(5)	Duty to keep record of entry by authorised officer under s 526	CEO, EHC, GMD, MBS, MDS	
s 526A(3)	Function of receiving report of inspection	CEO, EHC, EHO, EHTO, GMD, MDS, SEHO	
s 527	Power to authorise a person to institute proceedings (either generally or in a particular case)	CEO, EHC, GMD, MDS	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 11(1)	Power to declare a road by publishing a notice in the Government Gazette	GMD, MAS, CEO	Obtain consent in circumstances specified in s 11(2)
s 11(8)	Power to name a road or change the name of a road by publishing notice in Government Gazette	GMCS, MGP, MFS, CEO	
s 11(9)(b)	Duty to advise Registrar	GMD, GMCS, MGP, MAS, MFS, CEO	
s 11(10)	Duty to inform Secretary to Department of Environment, Land, Water and Planning of declaration etc.	GMD, MAS, CEO	Subject to s 11(10A)
s 11(10A)	Duty to inform Secretary to Department of Environment, Land, Water and Planning or nominated person	GMD, MAS, CEO	Where Council is the coordinating road authority
s 12(2)	Power to discontinue road or part of a road	GMD, GMCS, MGP, MAS, CEO	Where Council is the coordinating road authority
s 12(4)	Duty to publish, and provide copy, notice of proposed discontinuance	GMD, GMCS, MGP, MAS, CEO	Power of coordinating road authority where it is the discontinuing body Unless s 12(11) applies

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 12(5)	Duty to consider written submissions received within 28 days of notice	GMD, CEO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(6)	Function of hearing a person in support of their written submission	GMD, CEO	Function of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(7)	Duty to fix day, time and place of meeting under s 12(6) and to give notice	GMD, CEO	Duty of coordinating road authority where it is the discontinuing body Unless s 12(11) applies
s 12(10)	Duty to notify of decision made	GMD, MAS, CEO	Duty of coordinating road authority where it is the discontinuing body Does not apply where an exemption is specified by the regulations or given by the Minister
s 13(1)	Power to fix a boundary of a road by publishing notice in Government Gazette	GMD, MAS, CEO	Power of coordinating road authority and obtain consent under s 13(3) and s 13(4) as appropriate

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 14(4)	Function of receiving notice from the Head, Transport for Victoria	GMD, CEO, MWES	
s 14(7)	Power to appeal against decision of the Head, Transport for Victoria	GMD, CEO, MWES	
s 15(1)	Power to enter into arrangement with another road authority, utility or a provider of public transport to transfer a road management function of the road authority to the other road authority, utility or provider of public transport	GMD, MAS, CEO	
s 15(1A)	Power to enter into arrangement with a utility to transfer a road management function of the utility to the road authority	GMD, MAS, CEO	
s 15(2)	Duty to include details of arrangement in public roads register	GMD, MAS, CEO	
s 16(7)	Power to enter into an arrangement under s 15	GMD, MAS, CEO	
s 16(8)	Duty to enter details of determination in public roads register	GMD, MAS, CEO	
s 17(2)	Duty to register public road in public roads register	GMD, MAS, CEO	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 17(3)	Power to decide that a road is reasonably required for general public use	GMD, MAS, CEO	Where Council is the coordinating road authority
s 17(3)	Duty to register a road reasonably required for general public use in public roads register	GMD, MAS, CEO	Where Council is the coordinating road authority
s 17(4)	Power to decide that a road is no longer reasonably required for general public use	GMD, MAS, CEO	Where Council is the coordinating road authority
s 17(4)	Duty to remove road no longer reasonably required for general public use from public roads register	GMD, MAS, CEO	Where Council is the coordinating road authority
s 18(1)	Power to designate ancillary area	GMD, MAS, CEO	Where Council is the coordinating road authority, and obtain consent in circumstances specified in s 18(2)
s 18(3)	Duty to record designation in public roads register	GMD, MAS, CEO	Where Council is the coordinating road authority
s 19(1)	Duty to keep register of public roads in respect of which it is the coordinating road authority	GMD, MAS, CEO	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 19(4)	Duty to specify details of discontinuance in public roads register	GMD, MAS, CEO	
s 19(5)	Duty to ensure public roads register is available for public inspection	GMD, MAS, CEO	
s 21	Function of replying to request for information or advice	GMD, MAS, CEO	Obtain consent in circumstances specified in s 11(2)
s 22(2)	Function of commenting on proposed direction	GMD, MAS, CEO	
s 22(4)	Duty to publish a copy or summary of any direction made under s 22 by the Minister in its annual report.	GMCS, CEO	
s 22(5)	Duty to give effect to a direction under s 22	GMD, CEO	
s 40(1)	Duty to inspect, maintain and repair a public road.	GMD, MAS, CEO, MWES	
s 40(5)	Power to inspect, maintain and repair a road which is not a public road	GMD, MAS, CEO, MWES	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 41(1)	Power to determine the standard of construction, inspection, maintenance and repair	GMD, MAS, CEO, MWES	
s 42(1)	Power to declare a public road as a controlled access road	GMD, MAS, CEO	Power of coordinating road authority and sch 2 also applies
s 42(2)	Power to amend or revoke declaration by notice published in Government Gazette	GMD, MAS, CEO	Power of coordinating road authority and sch 2 also applies
s 42A(3)	Duty to consult with Head, Transport for Victoria and Minister for Local Government before road is specified	GMD, MAS, CEO, MWES	Where Council is the coordinating road authority If road is a municipal road or part thereof
s 42A(4)	Power to approve Minister's decision to specify a road as a specified freight road	GMD, MAS, CEO, MWES	Where Council is the coordinating road authority If road is a municipal road or part thereof and where road is to be specified a freight road
s 48EA	Duty to notify the owner or occupier of land and provider of public transport on which rail infrastructure or rolling stock is located (and any relevant provider of public transport)	GMD, MAS, CEO, MWES	Where Council is the responsible road authority, infrastructure manager or works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 48M(3)	Function of consulting with the relevant authority for purposes of developing guidelines under s 48M	GMD, MAS, CEO, MWES	
s 49	Power to develop and publish a road management plan	GMD, MAS, CEO, MWES	
s 51	Power to determine standards by incorporating the standards in a road management plan	GMD, MAS, CEO, MWES	
s 53(2)	Power to cause notice to be published in Government Gazette of amendment etc of document in road management plan	GMD, MAS, CEO	
s 54(2)	Duty to give notice of proposal to make a road management plan	GMD, MAS, CEO, MWES	
s 54(5)	Duty to conduct a review of road management plan at prescribed intervals	GMD, MAS, CEO, MWES	
s 54(6)	Power to amend road management plan	GMD, MAS, CEO, MWES	
s 54(7)	Duty to incorporate the amendments into the road management plan	GMD, MAS, CEO, MWES	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 55(1)	Duty to cause notice of road management plan to be published in Government Gazette and newspaper	GMD, MAS, CEO, MWES	
s 63(1)	Power to consent to conduct of works on road	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 63(2)(e)	Power to conduct or to authorise the conduct of works in, on, under or over a road in an emergency	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the infrastructure manager
s 64(1)	Duty to comply with cl 13 of sch 7	STO-ES, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the infrastructure manager or works manager
s 66(1)	Power to consent to structure etc	STO-ES, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 67(2)	Function of receiving the name & address of the person responsible for distributing the sign or bill	GMD, MAS, CEO, MWES	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 67(3)	Power to request information	SASC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 68(2)	Power to request information	SASC, GMD, MAS, IDTL, TTE, STE, CEO, MWES	Where Council is the coordinating road authority
s 71(3)	Power to appoint an authorised officer	GMD, MAS, IDTL, TTE, STE, CEO, MWES	
s 72	Duty to issue an identity card to each authorised officer	GMD, GMCS, MGP, MAS, CEO, MWES	
s 85	Function of receiving report from authorised officer	GMD, MAS, CEO, MWES	
s 86	Duty to keep register re s 85 matters	GMD, MAS, CEO, MWES	
s 87(1)	Function of receiving complaints	STO-ES, EC, GMD, MGP, MAS, IDTL, TTE, STE, CEO, MWES	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 87(2)	Duty to investigate complaint and provide report	GMD, MGP, MAS, CEO, MWES	
s 96	Power to authorise a person for the purpose of instituting legal proceedings	EC, GMD, MWES	
s 112(2)	Power to recover damages in court	GMD, GMCS, MAS, MFS, CEO, MWES	
s 116	Power to cause or carry out inspection	GMD, MAS, IDTL, TTE, STE, CEO, MWES	
s 119(2)	Function of consulting with the Head, Transport for Victoria	STO-ES, EC, GMD, CEO, MWES	
s 120(1)	Power to exercise road management functions on an arterial road (with the consent of the Head, Transport for Victoria)	GMD, CEO, MWES	
s 120(2)	Duty to seek consent of the Head, Transport for Victoria to exercise road management functions before exercising power in s 120(1)	GMD, CEO, MWES	
s 121(1)	Power to enter into an agreement in respect of works	GMD, MAS, CEO, MWES	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
s 122(1)	Power to charge and recover fees	GMD, GMCS, MAS, MFS, CEO, MWES	
s 123(1)	Power to charge for any service	GMD, GMCS, MFS, CEO, MWES	
sch 2 cl 2(1)	Power to make a decision in respect of controlled access roads	GMD, MAS, CEO, MWES	
sch 2 cl 3(1)	Duty to make policy about controlled access roads	GMD, MAS, CEO, MWES	
sch 2 cl 3(2)	Power to amend, revoke or substitute policy about controlled access roads	GMD, MAS, CEO, MWES	
sch 2 cl 4	Function of receiving details of proposal from the Head, Transport for Victoria	GMD, CEO, MWES	
sch 2 cl 5	Duty to publish notice of declaration	GMD, MAS, CEO, MWES	

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 7(1)	Duty to give notice to relevant coordinating road authority of proposed installation of non-road infrastructure or related works on a road reserve	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager
sch 7 cl 8(1)	Duty to give notice to any other infrastructure manager or works manager responsible for any non-road infrastructure in the area, that could be affected by any proposed installation of infrastructure or related works on a road or road reserve of any road	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager
sch 7 cl 9(1)	Duty to comply with request for information from a coordinating road authority, an infrastructure manager or a works manager responsible for existing or proposed infrastructure in relation to the location of any non-road infrastructure and technical advice or assistance in conduct of works	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager responsible for non-road infrastructure
sch 7 cl 9(2)	Duty to give information to another infrastructure manager or works manager where becomes aware any infrastructure or works are not in the location shown on records, appear to be in an unsafe condition or appear to need maintenance	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 10(2)	Where Sch 7 cl 10(1) applies, duty to, where possible, conduct appropriate consultation with persons likely to be significantly affected	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the infrastructure manager or works manager
sch 7 cl 12(2)	Power to direct infrastructure manager or works manager to conduct reinstatement works	GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the coordinating road authority
sch 7 cl 12(3)	Power to take measures to ensure reinstatement works are completed	GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the coordinating road authority
sch 7 cl 12(4)	Duty to ensure that works are conducted by an appropriately qualified person	STO-ES, APTL, EDTL, EC, GMD, MAS, IDTL, TTE, STE, CEO, MWES, IDO	Where Council is the coordinating road authority
sch 7 cl 12(5)	Power to recover costs	GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 13(1)	Duty to notify relevant coordinating road authority within 7 days that works have been completed, subject to sch 7 cl 13(2)	EC, GMD, MAS, CEO, MWES	Where Council is the works manager

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl 13(2)	Power to vary notice period	EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 13(3)	Duty to ensure works manager has complied with obligation to give notice under sch 7 cl 13(1)	EC, GMD, MAS, CEO, MWES	Where Council is the infrastructure manager
sch 7 cl 16(1)	Power to consent to proposed works	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 16(4)	Duty to consult	EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority, responsible authority or infrastructure manager
sch 7 cl 16(5)	Power to consent to proposed works	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 16(6)	Power to set reasonable conditions on consent	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 16(8)	Power to include consents and conditions	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 17(2)	Power to refuse to give consent and duty to give reasons for refusal	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7 cl18(1)	Power to enter into an agreement	GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch7 cl 19(1)	Power to give notice requiring rectification of works	APTL, EC, GMD, MAS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 19(2) & (3)	Power to conduct the rectification works or engage a person to conduct the rectification works and power to recover costs incurred	APTL, EC, GMD, GMCS, MAS, MFS, CEO, MWES	Where Council is the coordinating road authority
sch 7 cl 20(1)	Power to require removal, relocation, replacement or upgrade of existing non-road infrastructure	STO-ES, APTL, EC, GMD, MAS, RSO, IDTL, TTE, ES, CEO, MWES, DE, IDO	Where Council is the coordinating road authority
sch 7A cl 2	Power to cause street lights to be installed on roads	EC, GMD, MAS, IDTL, CEO, MWES	Power of responsible road authority where it is the coordinating road authority or responsible road authority in respect of the road
sch 7 cl 3(1)(d)	Duty to pay installation and operation costs of street lighting - where road is not an arterial road	GMD, MAS, CEO, MWES	Where Council is the responsible road authority

Road Management Act 2004			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 7A cl 3(1)(e)	Duty to pay installation and operation costs of street lighting - where road is a service road on an arterial road and adjacent areas	GMD, MAS, CEO, MWES	Where Council is the responsible road authority
sch 7A cl (3)(1)(f)	Duty to pay installation and percentage of operation costs of street lighting - for arterial roads in accordance with cls 3(2) and 4	GMD, MAS, CEO, MWES	Duty of Council as responsible road authority that installed the light (re: installation costs) and where Council is relevant municipal council (re: operating costs)

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 24	Duty to ensure that cemetery complies with depth of burial requirements	GMCS, CTL, CEO, COC	
r 25	Duty to ensure that the cemetery complies with the requirements for interment in concrete-lined graves	GMCS, CTL, CEO, COC	
r 27	Power to inspect any coffin, container or other receptacle if satisfied of the matters in paragraphs (a) and (b)	GMCS, CTL, CEO, COC	
r 28(1)	Power to remove any fittings on any coffin, container or other receptacle if the fittings may impede the cremation process or damage the cremator	GMCS, CTL, CEO, COC	

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 28(2)	Duty to ensure any fittings removed of are disposed in an appropriate manner	GMCS, CTL, CEO, COC	
r 29	Power to dispose of any metal substance or non-human substance recovered from a cremator	GMCS, CTL, CEO, COC	
r 30(2)	Power to release cremated human remains to certain persons	GMCS, CTL, CEO, COC	Subject to any order of a court
r 31(1)	Duty to make cremated human remains available for collection within 2 working days after the cremation	GMCS, CTL, CEO, COC	
r 31(2)	Duty to hold cremated human remains for at least 12 months from the date of cremation	GMCS, CTL, CEO, COC	
r 31(3)	Power to dispose of cremated human remains if no person gives a direction within 12 months of the date of cremation	GMCS, CEO, COC	
r 31(4)	Duty to take reasonable steps notify relevant people of intention to dispose of remains at expiry of 12 month period	GMCS, CTL, CEO, COC	
r 32	Duty to ensure a mausoleum is constructed in accordance with paragraphs (a)-(d)	GMCS, CEO, COC	
r 33(1)	Duty to ensure that remains are interred in a coffin, container or receptacle in accordance with paragraphs (a)-(c)	GMCS, CTL, CEO, COC	

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 33(2)	Duty to ensure that remains are interred in accordance with paragraphs (a)-(b)	GMCS, CTL, CEO, COC	
r 34	Duty to ensure that a crypt space in a mausolea is sealed in accordance with paragraphs (a)-(b)	GMCS, CTL, CEO, COC	
r 36	Duty to provide statement that alternative vendors or supplier of monuments exist	GMCS, CEO, COC	
r 40	Power to approve a person to play sport within a public cemetery	GMCS, CEO, COC	
r 41(1)	Power to approve fishing and bathing within a public cemetery	GMCS, CEO, COC	
r 42(1)	Power to approve hunting within a public cemetery	GMCS, CEO, COC	
r 43	Power to approve camping within a public cemetery	GMCS, CEO, COC	
r 45(1)	Power to approve the removal of plants within a public cemetery	GMCS, CTL, CEO, COC	
r 46	Power to approve certain activities under the Regulations if satisfied of regulation (1)(a)-(c)	GMCS, CTL, CEO, COC	

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 47(3)	Power to approve the use of fire in a public cemetery	GMCS, CTL, CEO, COC	
r 48(2)	Power to approve a person to drive, ride or use a vehicle on any surface other than a road, track or parking area	GMCS, CTL, CEO, COC	
	Note: Schedule 2 contains Model Rules – only applicable if the cemetery trust has not made its own cemetery trust rules	N/A	
sch 2 cl 4	Power to approve the carrying out of an activity referred to in rules 8, 16, 17 and 18 of sch 2	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 5(1)	Duty to display the hours during which pedestrian access is available to the cemetery	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 5(2)	Duty to notify the Secretary of, (a) the hours during which pedestrian access is available to the cemetery; and (b) any changes to those hours	GMCS, CEO, COC	See note above regarding model rules
sch 2 cl 6(1)	Power to give directions regarding the manner in which a funeral is to be conducted	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 7(1)	Power to give directions regarding the dressing of places of interment and memorials	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 8	Power to approve certain mementos on a memorial	GMCS, CTL, CEO, COC	See note above regarding model rules

Cemeteries and Crematoria Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
sch 2 cl 11(1)	Power to remove objects from a memorial or place of interment	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 11(2)	Duty to ensure objects removed under sub rule (1) are disposed of in an appropriate manner	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 12	Power to inspect any work being carried out on memorials, places of interment and buildings for ceremonies	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 14	Power to approve an animal to enter into or remain in a cemetery	GMCS, CTL, CEO, COC	See note above regarding model rules
sch 2 cl 16(1)	Power to approve construction and building within a cemetery	GMCS, CEO	See note above regarding model rules
sch 2 cl 17(1)	Power to approve action to disturb or demolish property of the cemetery trust	GMCS, CEO	See note above regarding model rules
sch 2 cl 18(1)	Power to approve digging or planting within a cemetery	GMCS, CTL, CEO, COC	See note above regarding model rules

Planning and Environment Regulations 2015			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r.6	function of receiving notice, under section 19(1)(c) of the Act, from a planning authority of its preparation of an amendment to a planning scheme	CSP, GMD, GMC, MCF, MDS, CEO	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.
r.21	power of responsible authority to require a permit applicant to verify information (by statutory declaration or other written confirmation satisfactory to the responsible authority) in an application for a permit or to amend a permit or any information provided under section 54 of the Act	SPC, GMD, GMC, PSP, TP, STP, MCF, MDS, TLSPA, CEO, SSP	
r.25(a)	duty to make copy of matter considered under section 60(1A)(g) available for inspection free of charge	GMD, GMC, MCF, MDS, CEO	where Council is the responsible authority
r.25(b)	function of receiving a copy of any document considered under section 60(1A)(g) by the responsible authority and duty to make the document available for inspection free of charge	GMD, GMC, MCF, MDS, CEO	where Council is not the responsible authority but the relevant land is within Council's municipal district
r.42	function of receiving notice under section 96C(1)(c) of the Act from a planning authority of its preparation of a combined application for an amendment to a planning scheme and notice of a permit application	CSP, GMD, GMC, MCF, MDS, CEO	where Council is not the planning authority and the amendment affects land within Council's municipal district; or where the amendment will amend the planning scheme to designate Council as an acquiring authority.

Planning and Environment (Fees) Regulations 2016			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 19	Power to waive or rebate a fee relating to an amendment of a planning scheme	CEO, CSP, GMCS, MCF	
r 20	Power to waive or rebate a fee other than a fee relating to an amendment to a planning scheme	CEO, GMD, MDS, SPC	
r 21	Duty to record matters taken into account and which formed the basis of a decision to waive or rebate a fee under r 19 or 20	CEO, CSP, GMCS, GMD, MCF, MDS, SPC	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 7	Function of entering into a written agreement with a caravan park owner	EHO, GMD, MDS, CEO, SEHO, EHC	
r 10	Function of receiving application for registration	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 11	Function of receiving application for renewal of registration	EHO, GMD, MDS, EHTO, SEHO, EHC	
r 12(1)	Duty to grant the registration if satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, CEO, SEHO, EHC	
r 12(1)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, CEO, SEHO, EHC	

Residential Tenancies (Caravan Parks and Movable Dwellings Registration and Standards) Regulations 2020			
Provision	Powers and Functions Delegated	Delegate	Conditions and Limitations
r 12(2)	Duty to renew the registration if satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, CEO, SEHO, EHC	
r 12(2)	Power to refuse to renew the registration if not satisfied that the caravan park complies with these regulations	EHO, GMD, MDS, SEHO, EHC	
r 12(3)	Duty to have regard to matters in determining an application for registration or an application for renewal of registration	EHO, GMD, MDS, SEHO, EHC	
r 12(4) & (5)	Duty to issue certificate of registration	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 14(1)	Function of receiving notice of transfer of ownership	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 14(3)	Power to determine where notice of transfer is displayed	EHO, GMD, MDS, CEO, SEHO, EHC	
r 15(1)	Duty to transfer registration to new caravan park owner	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 15(2)	Duty to issue a certificate of transfer of registration	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
r 16(1)	Power to determine the fee to accompany applications for registration or applications for renewal of registration	N/A	Statutory set and ratified by Council resolution

RELIANSYS® DELEGATIONS - EXPORT OF UPDATES BY
REGISTER - COMPLETE

S6 INSTRUMENT OF DELEGATION - MEMBERS OF
STAFF

03 FEBRUARY 2022

DELETED Provisions

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
42266	Planning and Environment Act 1987	s 12A(1)	Duty to prepare a municipal strategic statement (including power to prepare a municipal strategic statement under s19 of the Planning and Environment (Planning Schemes) Act 1996)	GMD, GMC, CEO	_____ ELT to ratify
334330	Residential Tenancies Act 1997	s 91ZU(1)	Power to give a renter a notice to vacate rented premises	GMD, GMCS, MGP, CEO	Where Council is a public statutory authority engaged in the provision of housing _____
334331	Residential Tenancies Act 1997	s 91ZZC(1)	Power to give a renter a notice to vacate rented premises	GMD, GMCS, MGP, CEO	Where Council is a public statutory authority authorised to acquire land compulsorily for its purposes _____

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
334332	Residential Tenancies Act 1997	s 91ZZE(1)	Power to give a renter a notice to vacate rented premises	GMD, GMCS, MGP, CEO	Where Council is a public statutory authority engaged in the provision of housing _____
334333	Residential Tenancies Act 1997	s 91ZZE(3)	Power to publish Council's criteria for eligibility for the provision of housing	GMD, GMCS, MGP, CEO	Where Council is a public statutory authority engaged in the provision of housing _____
42514	Residential Tenancies Act 1997	s 142D	Function of receiving notice regarding an unregistered rooming house	EHO, GMD, MDS, EHTO, CEHO, CEO, SEHO, EHC	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
42515	Residential Tenancies Act 1997	s 142G(1)	Duty to enter required information in Rooming House Register for each rooming house in municipal district	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
42516	Residential Tenancies Act 1997	s 142G(2)	Power to enter certain information in the Rooming House Register	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
42517	Residential Tenancies Act 1997	s 142I(2)	Power to amend or revoke an entry in the Rooming House Register if necessary to maintain the accuracy of the entry	EHO, GMD, MDS, EHTO, CEO, SEHO, EHC	
334334	Residential Tenancies Act 1997	s 206AZA(2)	Function of receiving written notification	GMD, MDS,	

#	Delegation Source	Provision	Item Delegated	Delegate	Conditions & Limitations
				CEO, EHC	
334335	Residential Tenancies Act 1997	s 207ZE(2)	Function of receiving written notification	GMD, MDS, CEO, EHC	
334336	Residential Tenancies Act 1997	s 311A(2)	Function of receiving written notification	GMD, MDS, CEO, EHC	
334337	Residential Tenancies Act 1997	s 317ZDA(2)	Function of receiving written notification	GMD, MDS, CEO, EHC	
546321	Residential Tenancies Regulations 2021	sch 4 cl 3(a)(iii)	Power to approve any other toilet system	EHO, GMD, MDS, CEO, SEHO, EHC	

14.6 ROAD NAMING - GUILD CLOSE, RED CLIFFS

File Number: 14/02/11
Officer: General Manager Corporate

1. Summary

This report presents to Council a proposal to officially name a currently unnamed road at Red Cliffs, Guild Close.

2. Recommendation

That Council endorse the name Guild Close for registration in Vicnames.

3. Background

As a requirement of the subdivision of Allotment 230A Section B Parish of Mildura the road reserve south of the land has been constructed to create access to the new lot at the back of the subdivision. The roadway requires a name for addressing purposes to assist in receiving services and to ensure emergency services are able to locate the property.

Following the Principles in the Naming Rules for Places in Victoria, a naming process was undertaken.

4. Consultation Proposed/Undertaken

As per the requirements of the Naming rules, community consultation was undertaken. This was achieved through sending letters to the adjoining landowners, placing a public notice advertisement in the Sunraysia Daily and an invitation to 'Have Your Say' was published on the Council's website. A 30 day period was provided to allow for submissions on the name proposal. No objections were received.

5. Discussion

As identified on the attached map, it is proposed that the road in question be named and registered in Vicnames.

The name commemorates William (Bill) Arnott Guild, who served in the Australian Imperial Force (AIF) at Gallipoli, including the battle of Lone Pine, and France. Born in Scotland, Bill came to Australia as a 25 year old in 1912, he served for over five years in the AIF and following his service settled in Mildura and then Red Cliffs. Bill was allocated Block 237 just 1km east of Red Cliffs in 1921. He worked his own horse and wagon for the Commission on channel construction.

Bill suffered poor health following his time in the armed forces and he passed away aged 50 in 1937, leaving behind wife Jessie and sons Harry aged 16 and Bill Jnr aged 13.

Descendants of Bill and Jessie Guild still live in the Sunraysia area and have given permission to name the roadway after their grandfather.

6. Time Frame

There are no timing issues associated with adopting this proposal as all consultative advertising and statutory time lines for responses have now passed.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Community

Outcome to be achieved:

- A resilient community that is able to respond and recover from emergencies

Place

Outcome to be achieved:

- Sustainable infrastructure that meets the current and future needs of the community

Leadership

Outcomes to be achieved:

- The community has a voice through inclusive engagement and participation
- Trust, respect and understanding between community and Council

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report has been prepared in line with current Council policies.

Legal/Statutory

All principles, policies and procedures have been carried out in accordance with the Guidelines for Geographic Names 2010.

Financial

The costs involved are restricted to staff time already built into the operational budgets.

Environmental

There are no environmental implications with this report.

Social

There are no social implications with this report.

Economic

There are no economic implications with this report.

10. Risk Assessment

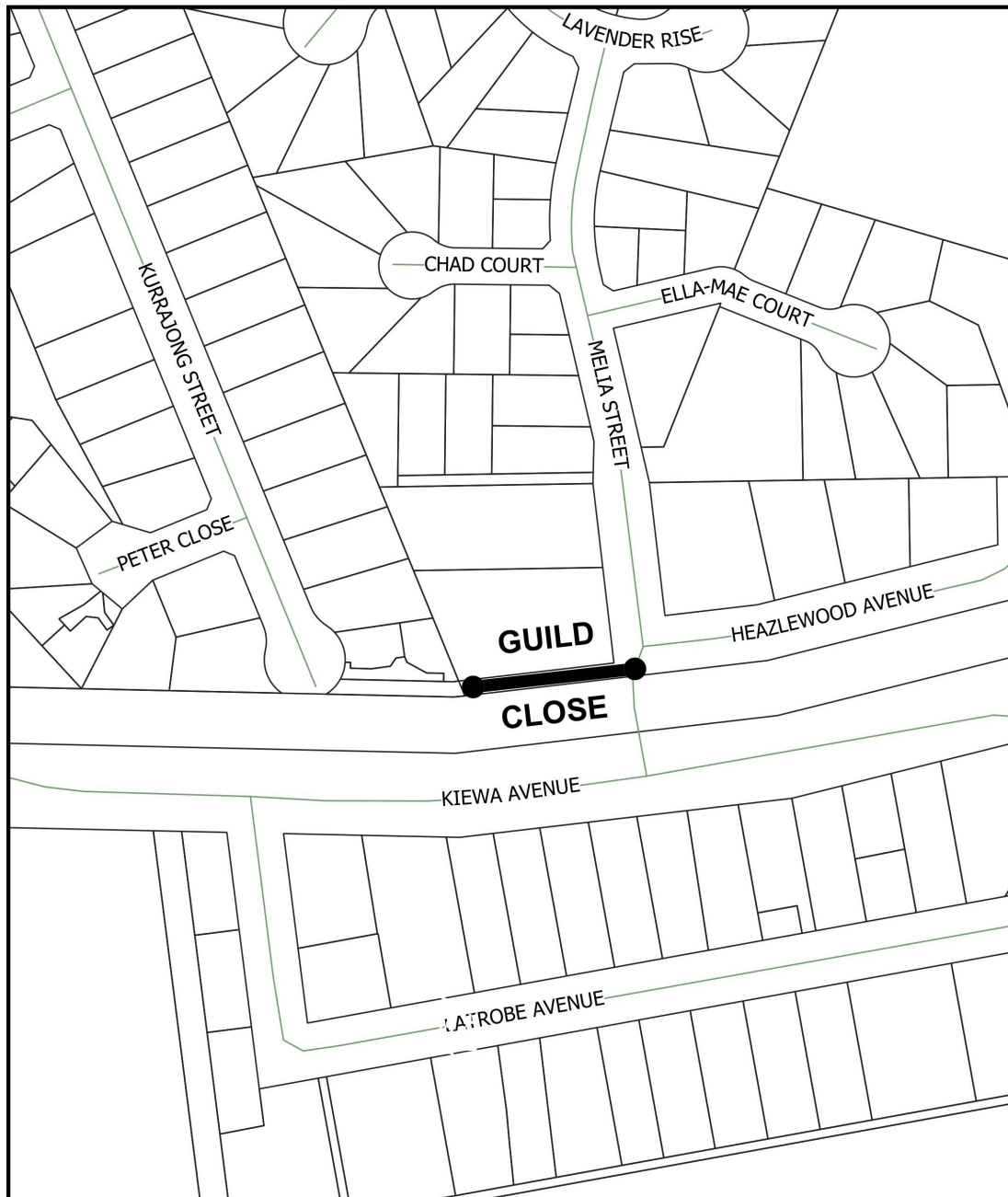
By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

1 [↓](#) Guild Close Map



Proposed Road Name

Proposed Name: Guild Close

Locality: Red Cliffs

Extent: from Melia Street westerly to end

The State of Victoria and Mildura Rural City Council do not warrant the accuracy or completeness of information in this map and any person using or relying upon such information does so on the basis that the State of Victoria and Mildura Rural City Council shall bear no responsibility or liability whatsoever for any errors, faults, defects or omissions in this information.
Background Image © State of Victoria

Scale: 1:2000

Last Updated: 21/12/2021



14.7 SPECIAL AUDIT AND RISK COMMITTEE MEETING 5/2021-2022 - MINUTES SUMMARY - 16 MARCH 2022

File Number: 02/02/08
Officer: General Manager Corporate

1. Summary

In line with the requirements of the Audit and Risk Committee Charter, the purpose of this report is to present to Council for noting a summary of the minutes of Special Audit and Risk Committee Meeting 5/2021-2022. The confidential minutes of Special Audit and Risk Committee Meeting 5/2021-2022, including key outcomes and recommendations of the meeting, have been distributed to Council under separate cover.

2. Recommendation

That Council note the confidential minutes of Special Audit and Risk Committee Meeting 5/2021-2022 held on 16 March 2022.

3. Background

The Audit and Risk Committee is an advisory committee to Council whose role is to oversee and monitor the effectiveness of Council in carrying out its responsibilities for accountable financial management, good corporate governance, maintaining an effective system of internal control and risk management, and fostering an ethical environment. The Audit and Risk Committee consists of four independent members:

- Mr Max Folie (Chairperson)
- Ms Mary Rydberg
- Ms Min Poole
- Ms Julie Humphrey

and two Councillor members:

- Mayor Cr Liam Wood
- Deputy Mayor Cr Cyndi Power (resigned on 22 March 2022)

The Audit and Risk Committee meets bi-monthly in accordance with the Audit and Risk Committee Charter. Special meetings are also convened as required.

The Audit and Risk Committee Charter requires a summary of the minutes of Audit Committee meetings to be presented to Council for noting.

4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

5. Discussion

At Special Audit and Risk Committee Meeting 5/2021-2022, the Committee:

- Was briefed confidentially by the external auditor on the draft External Audit Strategy 2021-2022.
Following the confidential briefing, Management joined the meeting. The Committee then reviewed and discussed the draft External Audit Strategy 2021-2022 with the External Auditor and Management before resolving to adopt the draft Strategy, as presented.
- Was briefed by the Manager Financial Services on the Quarterly Financial Management Report – December 2021, Cash and Cash Equivalents Report – December 2021, Annual Cash Holding and Cash Flow Report, and Balance Sheet Year-to-Date Actuals Comparison Report presented to the meeting.
- Reviewed and noted the Monthly Management Report – February 2022.
- Undertook a final evaluation of four applications received for Audit and Risk Committee membership. The Committee resolved to recommend to the confidential Council Meeting in March 2022 the appointment of a preferred applicant to the Audit and Risk Committee for a three-year term.

6. Time Frame

There are no timeframe implications associated with this report.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcome to be achieved:

- Effective governance to deliver results in line with community expectations.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

This report complies with the Audit and Risk Committee Charter.

Legal/Statutory

There are no legal/statutory implications associated with this report.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

There are no attachments for this report.

14.8 TRANSFER OF CROWN LAND RESERVERS

File Number: SITE/330
Officer: General Manager Corporate

1. Summary

The purpose of this report is to propose to Council the transfer of seven parcels of Crown Land that Council currently act as Committee of Management, back to the Crown for their management.

2. Recommendation

That Council:

- (i) consent to the transfer of the following allotments back to the Crown:**
 - CA 9F Section 3, Township of Morkalla;
 - CA 36D Section E, Parish of Mildura;
 - CA 50A Parish of Ginquam;
 - CA 50C parish of Ginquam;
 - CA 51A, Parish of Ginquam;
 - CA 51C parish of Ginquam;
 - CA 47A, Parish of Danyo; and
- (ii) authorise the Chief Executive Officer to execute such documents as are necessary to give effect to the transfer of the following allotments back to the Crown:**
 - CA 9F Section 3, Township of Morkalla;
 - CA 36D Section E, Parish of Mildura;
 - CA 50A Parish of Ginquam;
 - CA 50C parish of Ginquam;
 - CA 51A, Parish of Ginquam;
 - CA 51C parish of Ginquam; and
 - CA 47A, Parish of Danyo.

3. Background

Council is the Committee of Management of these parcels of Crown Land. Each of the allotments are reserved for recreation purposes. Internal consultation was undertaken and determined that each allotment is surplus to Council requirements.

4. Consultation Proposed/Undertaken

Internal consultation was undertaken and there were no strategic reasons for Council to remain the Committee of Management for these parcels of Crown Land.

5. Discussion

Each of the identified allotments are currently vacant land with native vegetation. Council, as the responsible authority for these sites, manages the land for pests and weeds.

Internal consultation revealed there is no strategic reasons for Council to retain the land for future development.

Should Council agree to the transfer of the land back to the Crown, this will support rationalisation of Council surplus land and resources.

6. Time Frame

Following Council decision, the Crown will be notified and the transfer process will be undertaken as soon as practicable.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Place

Outcome to be achieved:

- A well-developed long-term land use vision.

8. Asset Management Policy/Plan Alignment

Asset Management Policy CP031

Ensure that Council's services and infrastructure are provided in a sustainable manner, with the appropriate levels of service to residents, visitors and the environment.

9. Implications

Policy

This disposal complies with Council's Asset Management Policy CP031.

Legal/Statutory

This report complies with S116 of the *Local Government Act 2020*.

Financial

There will be no impact on the ongoing operational costs. This will allow for rationalisation of Council's land that is no longer required.

Environmental

There are no direct environmental impacts or benefits associated with this recommendation.

Social

There are no direct Social impacts or benefits with this recommendation.

Economic

There are no direct Economic impacts or benefits with this recommendation.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

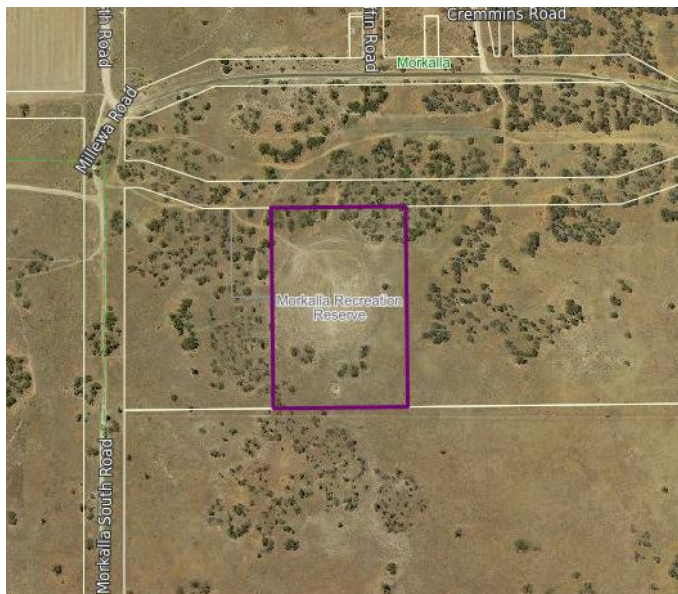
No conflicts of interest were declared during the preparation of this report.

Attachments

- 1** [!\[\]\(00454fbbe8db418db0de5eebfa916a08_img.jpg\)](#) Site Plan - Crown Land Reserves - April 2022

Morkalla Recreation Reserve

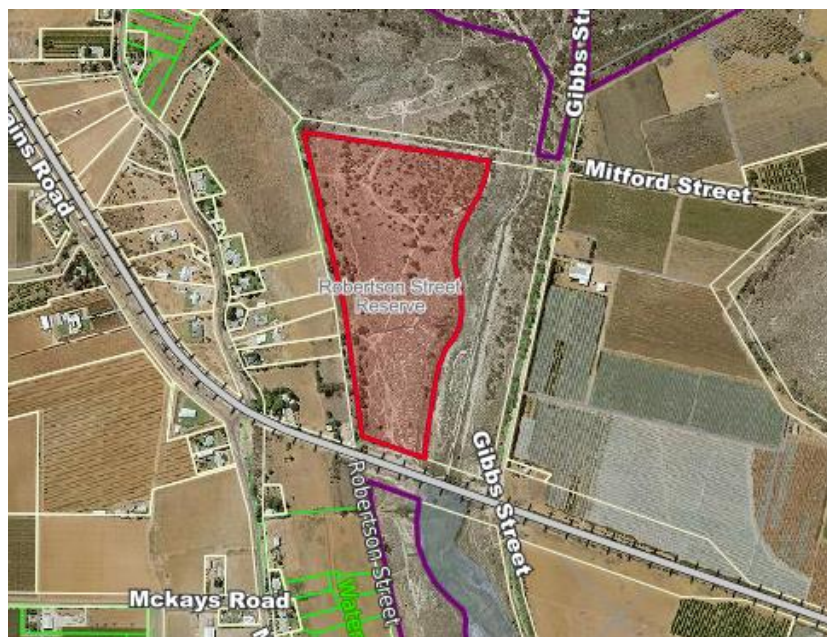
CA 9F Section 3, Township of Morkalla



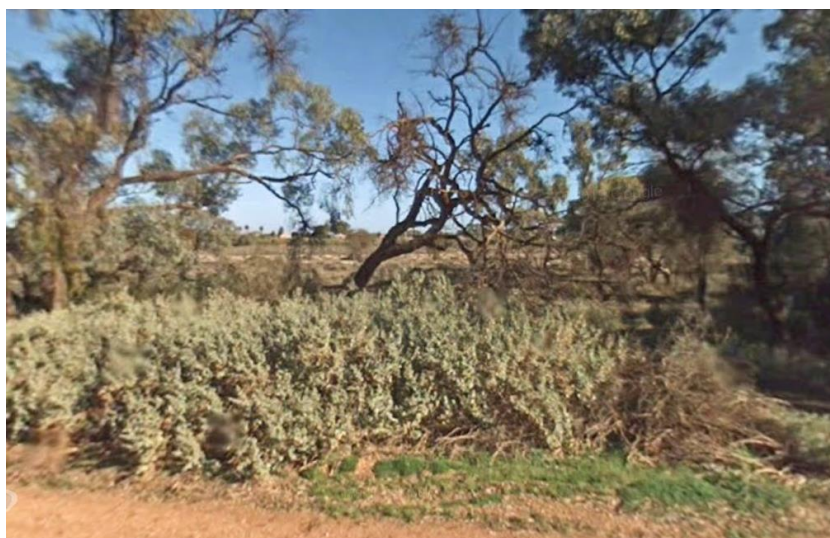
Aerial map – Morkalla Recreation Reserve – outlined in purple

Robertson Street Reserve

CA 36D Section E, Parish of Mildura



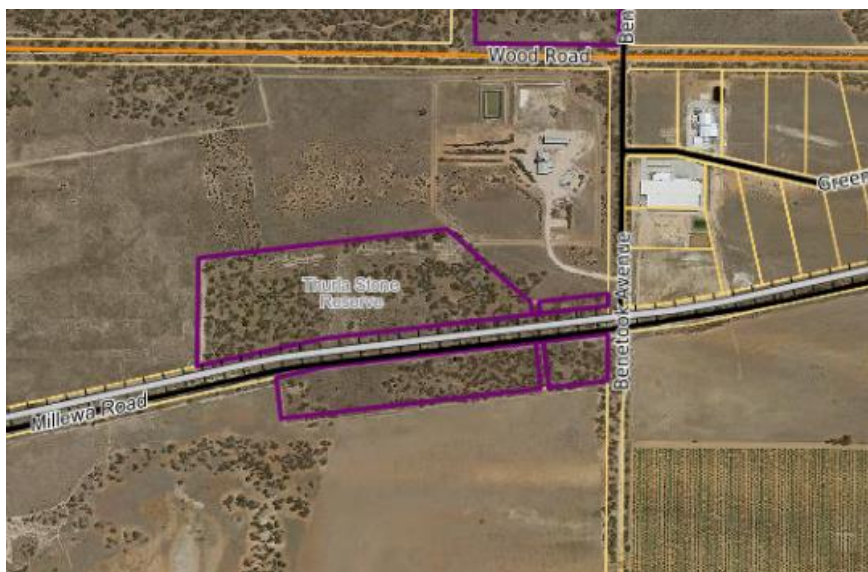
Aerial map – Robertson Street Reserve – outlined in red



View of Robertson Street Reserve from Gibbs Street

Thurla Stone Reserve

CA 50A Parish of Ginquam, CA 50C Parish of Ginquam, CA 51A, Parish of Ginquam, CA 51C Parish of Ginquam



Aerial map – Thurla Stone Reserve – outlined in purple



View of Thurla Stone Reserve (CA 50A) from Millewa Road

Danyo Recreation Reserve

CA 47A, Parish of Danyo



Aerial map – Danyo Recreation Reserve – outlined in purple



View of Danyo Recreation Reserve from Mallee Highway

14.9 CONFIDENTIAL REPORT REGISTER - BIANNUAL STATUS REPORT

File Number: 02/04/01
Officer: General Manager Corporate

1. Summary

The purpose of this report is to present to Council the status of items on the Confidential Report Register.

2. Recommendation

That Council acknowledge:

- (i) our commitment to transparency in decision-making processes which includes an intention to keep the number of matters considered in confidential Council to a minimum;
- (ii) the Report Summary and Council Resolutions for the following items were recently released from Confidential Council and are now available on Councils website (webpage located at Council/Council Meetings/Release of Confidential Council Reports):

- 1. Information Technology Disaster Recovery Approval
- 2. Appointment of Interim Chief Executive Officer
- 3. Mildura South Regional Sporting Precinct - Naming Proposals
- 4. Appointment of a Chief Executive Officer
- 5. Powerhouse Precinct Redevelopment - Schematic Design
- 6. Playalong Service Review
- 7. Proposed Asset Acquisition
- 8. Tender Award - Card Fuel and Associated Products - State Purchasing Contract C370
- 9. Tender Award - Provision for Banking and Bill Payment Services - Contract 2021/55
- 10. 2021 New Year's Eve Community Event
- 11. End User Computing Equipment Panel Contract - State Purchasing Contract DPC-SPC-01-2018
- 12. End User Computing Equipment Panel Contract - State Purchasing Contract DPC-SPC-01-2018
- 13. Mildura Airport Pty Ltd Director Appointments
- 14. Release of Confidential Council Reports
- 15. Release of Confidential Council Reports
- 16. Tender Award - Supply and Delivery of Adhesion Agent and Precoat - Contract 2122/24
- 17. Tender Award - Crack Sealing Works - Contract 2122/25
- 18. Tender Award - Road Signs and Lighting, Grates, Covers and Associated Traffic Products - 2409/0334
- 19. Tender Award - Recruitment Services - Contract 2122/2560
- 20. Consideration of Nominations for the 2022 Australia Day Awards
- 21. Tender Award - Kindergarten Extension - Contract 2122/17
- 22. Release of Confidential Council Reports
- 23. Aged Care Reforms

24. Release of Confidential Council Reports
25. Tender Award - Powerhouse Precinct Redevelopment - 2122/27
26. Tender Award - Mildura Sporting Precinct Outdoor Netball Courts and Lighting - 2122/29
27. Tender Award - Mildura Sporting Precinct Outdoor Netball Courts and Lighting - 2122/29
28. Tender Award - Mildura Sporting Precinct Stage 2 - 2122/10
29. Independent Audit and Risk Committee Membership - March 2022
30. Acting Chief Executive Officer Arrangements
31. Tender Award - Supply of Bulk Fuels - Contract 2403/0109; and

(iii) while a number of reports remain held in confidential on the attached Confidential Report Register, they will continue to be subject to quarterly reviews by a review panel consisting of the Mayor, Deputy Mayor, Chief Executive Officer and General Manager Corporate.

3. Background

As required by the introduction of the *Local Government Act 2020* (the Act), Council adopted its Public Transparency Policy CP067 in August 2020. This policy outlines the type of information that will be made publicly available in order to comply with the Public Transparency Principles outlined in section 58 of the Act

4. Consultation Proposed/Undertaken

There are no consultation implications associated with this report.

5. Discussion

Confidential reports considered by Council are listed in a Confidential Report Register available for viewing on Council's website. The Confidential Report Register contains confidential reports since the Public Transparency Policy was adopted in August 2020. Confidential reports before this period have not been included on the Confidential Report Register.

All confidential items on the register are reviewed quarterly by a panel consisting of the Mayor, Deputy Mayor, Chief Executive Officer and General Manager Corporate.

Where possible, confidentiality periods are limited by incorporating either a sunset provision (after which the information will no longer be confidential), or a specified event (the occurrence of which removes the confidentiality restrictions), within each confidential report resolution.

The Report Summary and Council Resolution as contained within the minute document of items on the register are released to the public within two weeks of the applicable sunset provision or specified event being reached.

Where a sunset provision or specified event has not been incorporated, and the panel determines that the Report Summary and Council Resolution as contained within the minutes should be made publicly available, a resolution of Council will be required prior to the information being released.

6. Time Frame

A six monthly report will be presented to Council, outlining the confidential items and the status of each item, including if they remain in confidential or have been released to the public.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Leadership

Outcomes to be achieved:

- Trust, respect and understanding between community and Council
- Effective governance to deliver results in line with community expectations
- A high performing organisation

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report aligns with Council's Public Transparency Policy CP067.

Legal/Statutory

This report supports the intention of the Public Transparency Principles in the *Local Government Act 2020*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

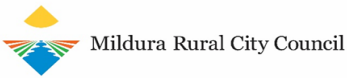
By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

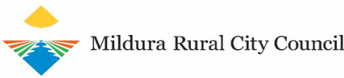
Attachments

1 [!\[\]\(bd1a142de767a21e5362c595f844a4ff_img.jpg\)](#) Confidential Report Register



Confidential Report Register

Number	Meeting Date	Meeting	Item #	Item Description	Confidential Reason	Confidential Period / Release Date	Date Disclosed	Minute Number	Minute Record
N/A	13 February 2019	Special Meeting of Council	7.2	CEO Performance Review 2017-2018	Personnel Matters	Not Specified	11 Janaury 2022	2019/0015	Minute Sheet
N/A	27 February 2019	Ordinary Meeting of Council	16.2	Interim Acting Chief Executive Officer	Personnel Matters	Not Specified	11 Janaury 2022	2019/0039	Minute Sheet
N/A	27 February 2019	Ordinary Meeting of Council	17.1	External Audit Committee Membership – February 2019	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2019/0040	Minute Sheet
N/A	22 May 2019	Ordinary Meeting of Council		Appointment of Chief Executive Officer	Personnel Matters	Not Specified	11 Janaury 2022	2019/0115	Minute Sheet
N/A	26 June 2019	Ordinary Meeting of Council	17.2	Insurance Renewal Program 2019-2020	Contractual Matters	Not Specified	11 Janaury 2022	2019/0133	Minute Sheet
N/A	26 June 2019	Ordinary Meeting of Council	17.3	Public Liability and Professional Indemnity Insurance	Contractual Matters	Not Specified	11 Janaury 2022	2019/0134	Minute Sheet
N/A	25 September 2019	Ordinary Meeting of Council	17.1	Appointment of Mildura Regional Development Chairperson	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2019/0198	Minute Sheet
N/A	27 November 2019	Ordinary Meeting of Council	17.2	Land Acquisition - 86-88 Orange Avenue, Mildura	Contractual Matters	Not Specified	11 Janaury 2022	2019/0249	Minute Sheet
N/A	18 December 2019	Ordinary Meeting of Council	17.1	Consideration of Nominations for the 2020 Australia Day Awards	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2019/0270	Minute Sheet
N/A	18 December 2019	Ordinary Meeting of Council	17.2	Land Acquisition - 753-769 Koorlong Avenue, Irymple	Contractual Matters	Not Specified	11 Janaury 2022	2019/271	Minute Sheet
N/A	18 December 2019	Ordinary Meeting of Council	17.3	Land Acquisition - 9 Chaffey Avenue, Mildura	Contractual Matters	Not Specified	11 Janaury 2022	2019/272	Minute Sheet
N/A	18 December 2019	Ordinary Meeting of Council	17.4	Land Acquisition - 623 Deakin Avenue, Mildura	Contractual Matters	Not Specified	11 Janaury 2022	2019/273	Minute Sheet
N/A	22 January 2020	Ordinary Meeting of Council	17.3	Lake Cullulleraine Caravan Park Amenities Upgrade	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2020/0020	Minute Sheet
N/A	26 February 2020	Ordinary Meeting of Council	17.3	Mildura Marina Basin Negotiations	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2020/0043	Minute Sheet
N/A	22 April 2020	Ordinary Meeting of Council	17.1	Appointments to Mildura Arts and Culture Advisory Committee	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2020/0083	Minute Sheet
N/A	22 April 2020	Ordinary Meeting of Council	17.2	Mildura South Regional Sporting Precinct Endorsement to Underwrite Two External Grant Funding Applications	Any other matter which the Council or special committee considers would prejudice the Council or any person	Not Specified	11 Janaury 2022	2020/0084	Minute Sheet
1	26 August 2020	Ordinary Meeting of Council	17.1	Mildura South Regional Sporting Precinct and Integrated Works Project Budgets	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2020/0205	
2	26 August 2020	Ordinary Meeting of Council	17.2	1920/74 Project Management and Superintendent Riverfront Stage 2 Powerhouse and Village Square	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0206	
3	26 August 2020	Ordinary Meeting of Council	17.3	Tender Award - Microsoft Licencing Solution Provider	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	Not for Release	2020/0207	
4	26 August 2020	Ordinary Meeting of Council	17.4	Amendment to Contract - Organics Collection and Processing - Contract 1819/69	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0208	
5	25 November 2020	Ordinary Meeting of Council	17.1	Tender Award - Statutory Planning and Building Software Solution - Contract 1920/56	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0232	
6	25 November 2020	Ordinary Meeting of Council	17.2	Tender Award - Road Safety Upgrades on San Mateo Avenue, Mildura - Contract 2021/2	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0233	
7	25 November 2020	Ordinary Meeting of Council	17.3	Tender Award - Ontario Avenue Reconstruction Twelfth to Thirteenth Street, Mildura - Contract 2021/10	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0234	
8	25 November 2020	Ordinary Meeting of Council	17.4	Tender Award - Supply and Delivery of Compostable Liners - Contract 2021/14	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0235	
9	9 December 2020	Special Meeting of Council	7.1	Variation to Contract 1819/60 - Construction of Mildura South Regional Sporting Precinct	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0238	
10	16 December 2020	Ordinary Meeting of Council	17.1	Consideration of Nominations for the 2021 Australia Day Awards	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	27 January 2021	29 January 2021	2020/0258	Minute Sheet
11	16 December 2020	Ordinary Meeting of Council	17.2	Events Funding and Support Grants Program - New Event Sponsorship	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	12 November 2021	2020/0259	Minute Sheet
12	16 December 2020	Ordinary Meeting of Council	17.3	1819/37 Design Services - Mildura South Regional Sporting Precinct	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0260	



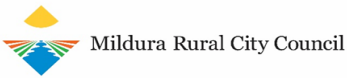
Confidential Report Register

Number	Meeting Date	Meeting	Item #	Item Description	Confidential Reason	Confidential Period / Release Date	Date Disclosed	Minute Number	Minute Record
13	16 December 2020	Ordinary Meeting of Council	17.4	Tender Award - Telecommunications Purchasing and Management Strategy (TPAMS) State Purchase Contract - TPAMS2025	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	Not for Release	2020/0261	
14	16 December 2020	Ordinary Meeting of Council	17.5	Tender Award - Hire of Construction Plant and Equipment Panel - Contract 1920/70	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0262	
15	16 December 2020	Ordinary Meeting of Council	17.6	Tender Award - Nangiloc Netball Court Construction - Contract 2021/18	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0263	
16	16 December 2020	Ordinary Meeting of Council	17.7	Tender Award - Upgrades to Red Cliffs and Irymple Pools - Contract 2021/8	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2020/0264	
17	16 December 2020	Ordinary Meeting of Council	17.8	Increase to Provisional Sum in Contract 1819/60 - Boundary Intersection Roadworks	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	Not for Release	2020/0265	
18	27 January 2021	Ordinary Meeting of Council	17.1	Tender Award - Irymple Drainage Upgrade - Contract 1920/7	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0014	
19	27 January 2021	Ordinary Meeting of Council	17.2	Tender Award - San Mateo Avenue and Tenth Street Microsurfacing - Contract 1920/52	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0015	
20	27 January 2021	Ordinary Meeting of Council	17.3	Tender Award - Fire Services Upgrade at The Alfred Deakin Centre - Contract 1920/72	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0016	
21	27 January 2021	Ordinary Meeting of Council	17.4	Increase to Provisional Sum in Contract 1819/60 - Boundary Intersection Works	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	Not for Release	2021/0017	
22	24 February 2021	Ordinary Meeting of Council	17.1	1819/27 Design Services - Mildura South Regional Sporting Precinct	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0040	
23	24 February 2021	Ordinary Meeting of Council	17.2	Tender Award - Road Reconstruction Works - The Crescent - Contract 2021/29	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0041	
24	24 March 2021	Ordinary Meeting of Council	17.1	Upgrade of Street Lighting (Lighting the Regions Project) Procurement	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0067	
25	24 March 2021	Ordinary Meeting of Council	17.2	Tender Award - Deakin Avenue Median Redevelopment Eighth to Ninth Street - Contract 2021/17	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0068	
26	24 March 2021	Ordinary Meeting of Council	17.3	Tender Award - Aroundagain Shed - Contract 2021/22	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0069	
27	24 March 2021	Ordinary Meeting of Council	17.4	Airport Financial Matter	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	8 September 2021	2021/0070	Minute Sheet
28	28 April 2021	Ordinary Meeting of Council	17.1	Information Technology Disaster Recovery Approval	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	12 November 2021	2021/0095	Minute Sheet
29	28 April 2021	Ordinary Meeting of Council	17.2	Appointment of Interim Chief Executive Officer	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	28 April 2021	7 May 2021	2021/0096	Minute Sheet
30	26 May 2021	Ordinary Meeting of Council	17.1	Sporting Partnership	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	8 September 2021	2021/0119	Minute Sheet
31	26 May 2021	Ordinary Meeting of Council	17.2	Hallmark Event	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	8 September 2021	2021/0120	Minute Sheet
32	26 May 2021	Ordinary Meeting of Council	17.3	Appointments to Climate Emergency Community Reference Group	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Not Specified	8 September 2021	2021/0121	Minute Sheet



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Number	Meeting Date	Meeting	Item #	Item Description	Confidential Reason	Confidential Period / Release Date	Date Disclosed	Minute Number	Minute Record
33	26 May 2021	Ordinary Meeting of Council	17.4	Appointments to Mildura Arts and Culture Advisory Committee	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Not Specified	8 September 2021	2021/0122	Minute Sheet
34	26 May 2021	Ordinary Meeting of Council	17.5	Contract Extension - Legal Services Panel - Contract 1617/50	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	Not for Release	2021/0123	
35	26 May 2021	Ordinary Meeting of Council	17.6	Contract Extension - Trade Services Panel - Contract 1617/42	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	Not for Release	2021/0124	
36	26 May 2021	Ordinary Meeting of Council	17.7	Mildura South Regional Sporting Precinct - Naming Proposals	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Not Specified	12 November 2021	2021/0126	Minute Sheet
37	23 June 2021	Ordinary Meeting of Council	17.1	Request for Purchase or Lease of Parkland	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	8 September 2021	2021/0145	Minute Sheet
38	23 June 2021	Ordinary Meeting of Council	17.2	Proposed Asset Acquisition This item was withdrawn from Business					
39	23 June 2021	Ordinary Meeting of Council	17.3	Hallmark Event	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	8 September 2021	2021/0146	Minute Sheet
40	23 June 2021	Ordinary Meeting of Council	17.4	Acquisition of Land	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2021/0147	
41	15 July 2021	Special Meeting of Council	7.1	Appointment of a Chief Executive Officer	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Not Specified	11 January 2022	2021/0156	Minute Sheet
42	28 July 2021	Ordinary Meeting of Council	17.1	Powerhouse Precinct Redevelopment - Schematic Design	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	12 November 2021	2021/0178	Minute Sheet
43	28 July 2021	Ordinary Meeting of Council	17.2	Playalong Service Review	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	11 November 2021	10 November 2021	2021/0179	Minute Sheet
44	28 July 2021	Ordinary Meeting of Council	17.3	Proposed Asset Acquisition	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released; AND Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified	11 January 2022	2021/0180	Minute Sheet
45	28 July 2021	Ordinary Meeting of Council	17.4	Independent Audit and Risk Committee Membership - July 2021	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	11 August 2021	24 August 2021	2021/0181	Minute Sheet
46	28 July 2021	Ordinary Meeting of Council	17.5	Amendment to Contract 1718/4 - Hire of Road Construction Trucks and Trailers Panel	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified	Not for Release	2021/0182	
47	28 July 2021	Ordinary Meeting of Council	17.6	Appointment of Acting Chief Executive Officer	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	11 August 2021	24 August 2021	2021/0183	Minute Sheet
48	25 August 2021	Ordinary Meeting of Council	17.1	Tender Award - Card Fuel and Associated Products - State Purchasing Contract C370	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	19 January 2022	2021/0199	Minute Sheet
49	25 August 2021	Ordinary Meeting of Council	17.2	Tender Award - Provision for Banking and Bill Payment Services - Contract 2021/55	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Following execution of contract documents	19 January 2022	2021/0200	Minute Sheet



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Number	Meeting Date	Meeting	Item #	Item Description	Confidential Reason	Confidential Period / Release Date	Date Disclosed	Minute Number	Minute Record
50	25 August 2021	Ordinary Meeting of Council	17.3	Release of Confidential Council Reports	Local Government Act 2020 - section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)	8 September 2021	8 September 2021	2021/0201	Minute Sheet
51	22 September 2021	Ordinary Meeting of Council	17.1	Powerhouse Food and Beverage Tenancy	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following entering into formal lease agreement		2021/0226	
52	22 September 2021	Ordinary Meeting of Council	17.2	2021 New Year's Eve Community Event	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following entering into funding agreement	10 November 2021	2021/0227	Minute Sheet
53	22 September 2021	Ordinary Meeting of Council	17.3	End User Computing Equipment Panel Contract - State Purchasing Contract DPC-SPC-01-2018	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of lease agreement	28 January 2022	2021/0228	Minute Sheet
54	27 October 2021	Ordinary Meeting of Council	17.1	1819/37 Design Services - Mildura Sporting Precinct	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2021/0257	
55	27 October 2021	Ordinary Meeting of Council	17.2	Independent Audit and Risk Committee Membership - October 2021	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	10 November 2021	12 November 2021	2021/0258	Minute Sheet
56	27 October 2021	Ordinary Meeting of Council	17.3	Mildura Airport Pty Ltd Director Appointments	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Following public announcement	17 November 2021	2021/0259	Minute Sheet
57	27 October 2021	Ordinary Meeting of Council	17.4	Release of Confidential Council Reports	Local Government Act 2020 - section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)	Not Specified	11 January 2022	2021/0260	Minute Sheet
58	27 October 2021	Ordinary Meeting of Council	17.4	Release of Confidential Council Reports	Local Government Act 2020 - section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)	10 November 2021	12 November 2021	2021/0261	Minute Sheet
59	27 October 2021	Ordinary Meeting of Council	17.5	Tender Award - Supply and Delivery of Adhesion Agent and Precoat - Contract 2122/24	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	19 January 2022	2021/0262	Minute Sheet
60	27 October 2021	Ordinary Meeting of Council	17.6	Tender Award - Crack Sealing Works - Contract 2122/25	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	19 January 2022	2021/0263	Minute Sheet
61	24 November 2021	Ordinary Meeting of Council	17.1	Mildura Sporting Precinct Stage 1 Contract Matter	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2021/0281	
62	24 November 2021	Ordinary Meeting of Council	17.2	Back to Base Fundraising Event	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified		2021/0283	
63	24 November 2021	Ordinary Meeting of Council	17.3	Acquisition of Land	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2021/0284	
64	24 November 2021	Ordinary Meeting of Council	17.4	Tender Award - Road Signs and Lighting, Grates, Covers and Associated Traffic Products - 2409/0334	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	19 January 2022	2021/0285	Minute Sheet
65	24 November 2021	Ordinary Meeting of Council	17.5	Tender Award - Recruitment Services - Contract 2122/2560	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	19 January 2022	2021/0286	Minute Sheet
66	30 November 2021	Special Meeting of Council	7.1	Back to Base Fundraising Event	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Following execution of funding agreement		2021/0289	
67	22 December 2021	Ordinary Meeting of Council	17.1	Consideration of Nominations for the 2022 Australia Day Awards	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	27 January 2022	27 January 2022	2021/0306	Minute Sheet
68	22 December 2021	Ordinary Meeting of Council	17.2	Lighting the Regions Program	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2021/0307	
69	22 December 2021	Ordinary Meeting of Council	17.3	Contract Amendment - Aroundagain Shed - Contract 2021/22	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2021/0308	
70	22 December 2021	Ordinary Meeting of Council	17.4	Tender Award - Engineering and Technical Services Panel - Contract 2122/14	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents		2021/0309	



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Number	Meeting Date	Meeting	Item #	Item Description	Confidential Reason	Confidential Period / Release Date	Date Disclosed	Minute Number	Minute Record
71	22 December 2021	Ordinary Meeting of Council	17.5	Tender Award - Kindergarten Extension - Contract 2122/17	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	19 January 2022	2021/0310	Minute Sheet
72	22 December 2021	Ordinary Meeting of Council	17.6	Release of Confidential Council Reports	Local Government Act 2020 - section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)	5 January 2022	11 January 2022	2021/0311	Minute Sheet
73	27 January 2022	Ordinary Meeting of Council	17.1	Aged Care Reforms	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Within 2 Months of this resolution	23 March 2022	2022/0016	Minute Sheet
74	27 January 2022	Ordinary Meeting of Council	17.2	Variation - Provision of Cleaning Services - Contract 1718/20	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Not Specified		2022/0017	
75	27 January 2022	Ordinary Meeting of Council	17.3	Release of Confidential Council Reports	Local Government Act 2020 - section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)	14-Feb-22	14 February 2022	2022/0018	Minute Sheet
76	27 January 2022	Ordinary Meeting of Council	17.4	Tender Award - Powerhouse Precinct Redevelopment - 2122/27	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	1 March 2022	2022/0019	Minute Sheet
77	16 February 2022	Special Meeting of Council	7.1	Tender Award - Mildura Sporting Precinct Outdoor Netball Courts and Lighting - 2122/29	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	4 March 2022	2022/0024	Minute Sheet
78	16 February 2022	Special Meeting of Council	7.2	Tender Award - Mildura Sporting Precinct Stage 2 - 2122/10	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents	4 March 2022	2022/2025	Minute Sheet
79	24 February 2022	Ordinary Meeting of Council	17.1	Tender Award - Murrayville Recreation Reserve Community Complex and Change Rooms	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents		2022/0041	
80	24 March 2022	Ordinary Meeting of Council	17.1	Appointment to Climate Emergency Community Advisory Group	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Not Specified		2022/0054	
81	24 March 2022	Ordinary Meeting of Council	17.2	Contract Amendment - Supply of Temporary Worers and Trainees - Contract 1617/56	Local Government Act 2020 - section 3(1)(g) - Private commercial information, being information provided by a business, commercial or financial undertaking that – (i) relates to trade secrets; or (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage.	Not Specified		2022/0055	
82	24 March 2022	Ordinary Meeting of Council	17.3	Independent Audit and Risk Committee Membership - March 2022	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Within 2 weeks of this resolution	5 April 2022	2022/0056	Minute Sheet
83	24 March 2022	Ordinary Meeting of Council	17.4	Acting Chief Executive Officer Arrangements	Local Government Act 2020 - section 3(1)(f) - Personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.	Within 2 weeks of this resolution	12 April 2022	2022/0057	Minute Sheet
84	24 March 2022	Ordinary Meeting of Council	17.5	Tender Award - Mildura Wave Pool Machine Replacement - Contract 2122/28	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents		2022/0058	
85	24 March 2022	Ordinary Meeting of Council	17.6	Tender Award - Provision of Tree Services - Contract 2122/35	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Following execution of contract documents		2022/0059	
86	24 March 2022	Ordinary Meeting of Council	17.7	Tender Award - Supply of Bulk Fuels - Contract 2403/0109	Local Government Act 2020 - section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released.	Within 2 weeks of this resolution	5 April 2022	2022/0060	Minute Sheet

14.10 ADOPTION OF DOMESTIC ANIMAL MANAGEMENT PLAN 2021-2025

File Number: 04/02/04
Officer: Acting General Manager Development

1. Summary

The purpose of this report is to present the Domestic Animal Management Plan (DAMP) 2021 – 2025 for adoption.

2. Recommendation

That Council:

- (i) adopt the Domestic Animal Management Plan 2021-2025 as presented; and**
- (ii) provide a copy of the adopted plan to the Secretary of Department of Economic Development, Jobs, Transport and Resources.**

3. Background

All Council's in Victoria are required to prepare a DAMP under Section 68A of the *Domestic Animals Act 1994* (the Act).

The DAMP must be prepared in consultation with the Department of Economic Development, Jobs, Transport and Recourses (DEDJTR).

The Plan must be reviewed annually and a copy provided to the Secretary DEDJTR. Include information on the issue to date.

The DAMP must:-

- Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of the Act and the Regulations;
- Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of the Act in the Council's municipal district;
- Outline programs, services and strategies which the Council intends to pursue in the municipal district;
- Provide for the review of existing orders under the Act and local laws that relate to the Council's municipal district;
- Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district, and
- Provide for the periodic evaluation of any program, service, strategy or review under the plan.

The DAMP has been prepared based on a template from DEDJTR, however, there are unique circumstances in the Mildura district which the DAMP seeks to identify, address and monitor. The DAMP allows Council to take a strategic and pragmatic approach to managing pets, animals and related industry businesses in partnership with our community.

4. Consultation Proposed/Undertaken

The DAMP was placed on public exhibition from 14 March to 25 March 2022. During this time the DAMP was available:

- As statutory and advertised content in Mildura, Ouyen and Murrayville Newspapers;
- Via social media posts published during the exhibition period;
- Made available to view at Council's Customer Service Centres; and
- To view (the document) and comment via Council's website "Have Your Say" content page

During the public exhibition period no formal submissions were received. The only change to the draft document has been made given comment received from Council's Animal Welfare/ Management Committee. It was suggested to more fully explain the definition of cat and dog traps within the document.

5. Discussion

The DAMP will guide animal management by Council over the next four years (2021 to 2025). The Plan identifies strategies and actions to implement the vision, aims and objectives for animal management and contains recommendations for a wide range of actions to be undertaken by Council in a programmed approach during this time. These actions enable Council to maintain a balance between the competing interests of animal management and to accommodate new requirements and legislation (as it arises).

6. Time Frame

The DAMP has been prepared by the Development Services branch of Council, in association with stakeholders and in consultation with DEDJTR. The DAMP will be monitored and reported on quarterly, must be reviewed annually and a copy provided to the Secretary of DEDJTR.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Community

Outcome to be achieved:

- A community where people feel safe

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications**Policy**

There are no policy implications associated with this report.

Legal/Statutory

Mildura Rural City Council under Section 68A of the *Domestic Animals Act 1994*, is required to prepare and maintain a DAMP. The Council must review the DAMP annually and if appropriate, amend it, provide such to the Secretary DEDJTR and publish an evaluation of the DAMP's implementation in Council's Annual Report.

Financial

It is not anticipated that the implementation of the DAMP will have any significant impact on Council's operational or capital budget – other than planned and anticipated expenditure.

Environmental

There are no environmental implications associated with this report.

Social

The DAMP is considered to have positive social implications. It provides for a partnership and integrated approach to pet ownership, education and rehoming of animals. The DAMP will guide activities and actions of Council for the next four (4) years, reviewed annually.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Non-compliance with the Domestic Animal Act 1994	Adoption of Domestic Animal Management Plan 2021 - 2025	Low

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [Down Arrow](#) Domestic Animal Management Plan 2021-2025



DRAFT **Domestic Animal** **Management Plan** *2021-2025*



Mildura Rural City Council

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Acknowledgment of country

We acknowledge the Traditional Owners and Custodians of the land, which now comprises the Mildura Rural City municipality. We pay our respects to Elders past and present and celebrate and respect their continuing cultures and acknowledge the memories of their ancestors.

Introduction

Cats and dogs play a big role in the lives of locals and are part of our community.

Mildura Rural City Council recognises that pet ownership has considerable health and wellbeing benefits and that companion animals are valued and bring value to many local residents.

It is Council's role to support our community to live safely and healthily alongside cats and dogs. We do this by:

- Promoting and supporting responsible pet ownership and animal welfare
- Protecting the community and local environment from nuisance cats and dogs
- Balancing the needs of pets and pet owners with the rest of the community
- Delivering animal management services and programs
- Partnering with animal health and welfare agencies, businesses and service providers
- Implementing and enforcing animal management rules and regulations

This Domestic Animal Management Plan (DAMP) provides a formal framework for how Mildura Rural City Council will provide animal management services and initiatives over the next four years.

It was developed by staff in Council's Civic Compliance team and was informed through a review of previous plans, analysis of existing data, policies, procedures, laws and regulations, insights from customer and resident feedback and a formalised public consultation process.

This DAMP consolidates the aspirations and actions of previous Plans and meets Council's obligations under the Domestic Animals Act 1994.

Responsible pet ownership and effective animal management – through the implementation of this Plan – will help contribute to key long-term strategic outcomes and priorities identified in our 2021-2025 Council Plan which are informed by our 2040 Community Vision.

What is a Domestic Animal Management Plan (DAMP)?

The Domestic Animals Act 1994 (The Act) requires all Victorian councils to prepare a DAMP every four years.

Section 68A of The Act specifies that DAMPs must outline council's services; programs and policies established to address the administration of the Act, and; management of dog and cat issues in the community.

The Domestic Animal Management Plan is structured using the framework prescribed in The Act, and focuses on the following key focus areas:

- Training of Authorised Officers
- Responsible pet ownership
- Dog attacks
- Overpopulation and high euthanasia rates
- Registration and identification
- Nuisance dogs and cats
- Dangerous dogs
- Domestic animal businesses
- Other animal-related matters

Reviewing and reporting

Council is required to review this Plan annually pursuant to Section 68A of the Act.

The annual review process ensures the Plan is relevant, responds to current issues, maximises opportunities to promote responsible pet ownership and that actions can be achieved throughout the four year lifecycle

The annual review process will include an evaluation of Council's existing animal management programs and services and the Plan will be amended and updated to reflect the current situation.

Council publishes a copy of the revised DAMP on its website annually and also submits it to the Department of Economic Development, Jobs, Transport and Resources' Secretary.

Details of the annual evaluation of this Plan's implementation are included in our Annual Report.

Our region

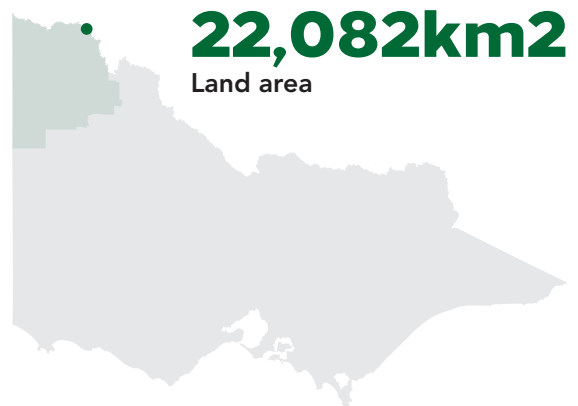
Located in north west Victoria, the Mildura Rural City Council area covers almost ten per cent of the State.

The region's landscape includes unique Mallee vegetation, broad acre grain properties, extensive horticultural farms and vibrant towns.

Mildura Rural City shares borders with New South Wales and South Australia, which makes it a strategically important regional service centre for three states.

The beautiful Murray River winds its way through much of the municipality and is a focal point for visitors and those who call the region home.

Our region has a large geographical footprint of 22,082 square kilometres that includes rural and small town settlements as well as the regional city of Mildura itself, which is home to around 30,000 residents.



55,937
2021 estimated resident population

59,439
2031 projected resident population



Our towns

Cabarita	Merbein	Ouyen
Cardross	Meringur	Red Cliffs
Colignan	Mildura	Underbool
Cowangie	Murrayville	Walpeup
Cullulleraine	Nangiloc	Werrimull
Irymple	Nichols Point	

10.4%
Born overseas



4.5%
Aboriginal or Torres Strait Islander

9.5%
Speak a language other than English at home



Cats and dogs in our community

690

dogs impounded



721

domestic cats impounded



210

dogs rehoused

433

cats rehoused



7,912

dogs registered

1,519

cats registered

92

dogs euthanised

198

domestic cats euthanised



373

dogs claimed by owner



87

cats claimed by owner



Animal-related customer requests and enquiries



129

Dogs wandering at large

52

Dogs rushing and menacing



64

Dog attacks reported

124

Dog and cat trap requests



110

Dog welfare

5

Cat welfare

29

Livestock welfare

27

Livestock wandering and collection



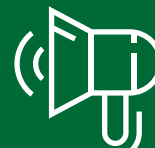
595

Dogs to collect



504

Cats to collect



256

Dogs barking

Our animal management services

Council's Civic Compliance team is responsible for animal management throughout the municipality. Their roles involve education, administration and enforcement. The key animal-related functions of the Civic Compliance team include:

- Administer annual cat and dog registrations
- Manage the Mildura Animal Pound
- Promote and encourage responsible pet ownership
- Respond to animal-related enquiries and complaints
- Ensure people manage their pets in accordance with the law
- Establish and enforce Local Law animal control orders
- Patrol public open spaces, frequented by dog walkers
- Provide advice for ongoing management of Mildura Off Leash Dog Park
- Work with local veterinarians, animal behaviour and related businesses and stakeholders to address animal-related issues in our community
- Partner with animal rehousing organisations to rehome cats and dogs
- Identify all dangerous, menacing and restricted breed dogs and ensure they are kept appropriately
- Administer annual Responsible Pet Ownership voucher program

Further detail about the animal management-related services, programs and initiatives undertaken by our Civic Compliance team is outlined throughout the body of this Plan.

Mildura Animal Pound

The Mildura Animal Pound is a safe and secure environment for lost, found and abandoned animals in our community. Council has made significant improvements to enhance the quality, safety and amenity of the facility and its operations in the past four years. Most notable, was the shift in title, from Mildura Animal Shelter to Mildura Animal Pound. This title change better reflects the operations of the facility and the services provided there.

Other recent key improvements and changes at the Mildura Animal Pound include:

- New office area to accommodate staff and customers
- Ongoing floor repair and maintenance
- Increased security including improved cameras and lighting
- All animal management vehicles now fitted with K9-Kubes for improved Officer and animal safety during handling and transport
- Pound Supervisor is qualified to microchip dogs and cats prior to release. Other Officers to complete this qualification when possible
- Ongoing improvements to animal health management including vaccinations of unidentifiable dogs and cats upon entry to the Pound, and new equipment such as F-10 Chemical Fogging machine to assist in reducing risk of diseases such as cat flu.



Pound Masterplan, which will outline our vision for the Mildura Animal Pound. The Masterplan, is intended to enhance the capabilities of the facility to meet emerging community expectations, while continuing to meet statutory requirements such as the Code of Practice for Shelters and Pounds.

Responsible Pet Ownership Vouchers

In 2017 Mildura Rural City Council partnered with Sunraysia Animal Rehousing Group to establish a new Responsible Pet Ownership initiative, ultimately aimed at reducing the number of animals impounded and euthanised at the Mildura Animal Pound.

Civic Compliance Officers distributed Responsible Pet Ownership packs to pet owners on a case-by-case basis. Each pack contained pet products and information plus a \$100 voucher for services at a local vet clinic, helping pet owners to cover some of the costs associated with registering, desexing, microchipping, vaccinating and worming their cats and dogs.

Civic Compliance Officers distributed 300 packs in the 2017-18 Financial Year and following its success Council has committed to funding this program annually as part of its ongoing efforts to promote responsible pet ownership and encourage cat and dog registrations, desexing, microchipping and vaccinations. An additional 576 vouchers have since been distributed.

Rio Vista Off Leash Dog Park

Our region's first designated site for dogs to exercise off leash was established at Rio Vista Park on the Mildura riverfront in September 2017. Strong demand and use of the site during an eight month trial cemented its viability. An Advisory Committee was set up to guide improvements and amenity upgrades to the facility.

The Advisory Group included respected local animal training, health and welfare professionals as well as members of Council's Recreation Planning and Development and Civic Compliance teams.

There has been a range of improvements at the Rio Vista Off Leash Dog Park since the initial trial. Council invested a \$192,000 grant from the Victorian Government's Suburban Parks Program to install new infrastructure on site in 2021 that significantly enhanced the site and how dogs and pet owners can use it.

These included:

- Full perimeter fencing
- Dividing fence to create separate areas for large and small dogs
- Upgraded gates and transition area
- Improved ground conditions to reduce prickles
- Tree planting to provide more shade
- Sand area for dog play
- Public seating and tables
- Improved access and connections from nearby walking tracks
- New signage including dog behaviour information

The Rio Vista Off Leash Dog Park continues to be well-utilised by dog owners in our community.





RSPCA Mildura Loves Pets program

In 2020 the RSPCA approached Mildura Rural City Council to be part of a new initiative to improve animal welfare and encourage responsible pet ownership in the Mildura area.

Funded by a bequest from a local resident, the Mildura Loves Pets initiative was designed to address canine parvovirus and stray cats through community education, advocating for change and providing free vaccinations, desexing, microchipping, flea and worm treatments and other pet related support.

Representatives from Mildura-based vet clinics, animal training and rehoming groups, Mildura Pound and Council's Animal Management team provided extensive insights and support to the RSPCA to make this initiative possible.

Rehousing partnerships

Council has a long and proud history of strong community partnerships to improve animal welfare, health and wellbeing and encourage responsible pet ownership. In line with Section 84Y of the Domestic Animals Act Mildura Rural City Council has written agreements with 12 animal foster carers and care networks, to support the management of lost, stray or abandoned cats and dogs in our region.

Our Animal Pound and Civic Compliance staff have established strong, collaborative relationships with these organisations to find new homes for abandoned or lost animals and reduce instances of animal euthanasia.

Training of Authorised Officers

This section of our DAMP addresses Section 68(A)(2)(b) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's approach to the training of Authorised Officers to ensure that they can properly administer and enforce the requirements of the Act.

Animal management services are undertaken by Mildura Rural City Council's Civic Compliance Unit, which forms part of the Development Services Branch.

Eight authorised Civic Compliance Officers share responsibilities for animal management, including a designated Animal Pound Supervisor. Officers are responsible for covering animal management across area of 22,082 square kilometres.

In the 2020-21 Financial Year, Officers responded to 2,594 animal management requests.

As of 1 March 2021 there were 9,431 animals (7,912 dogs and 1,519 cats) registered and eight registered domestic animal businesses, including three pet shops, four boarding establishments and the Mildura Animal Pound.

A variety of training is offered and provided for all Council Authorised Officers; training options are reviewed annually to ensure they are relevant and up to date.

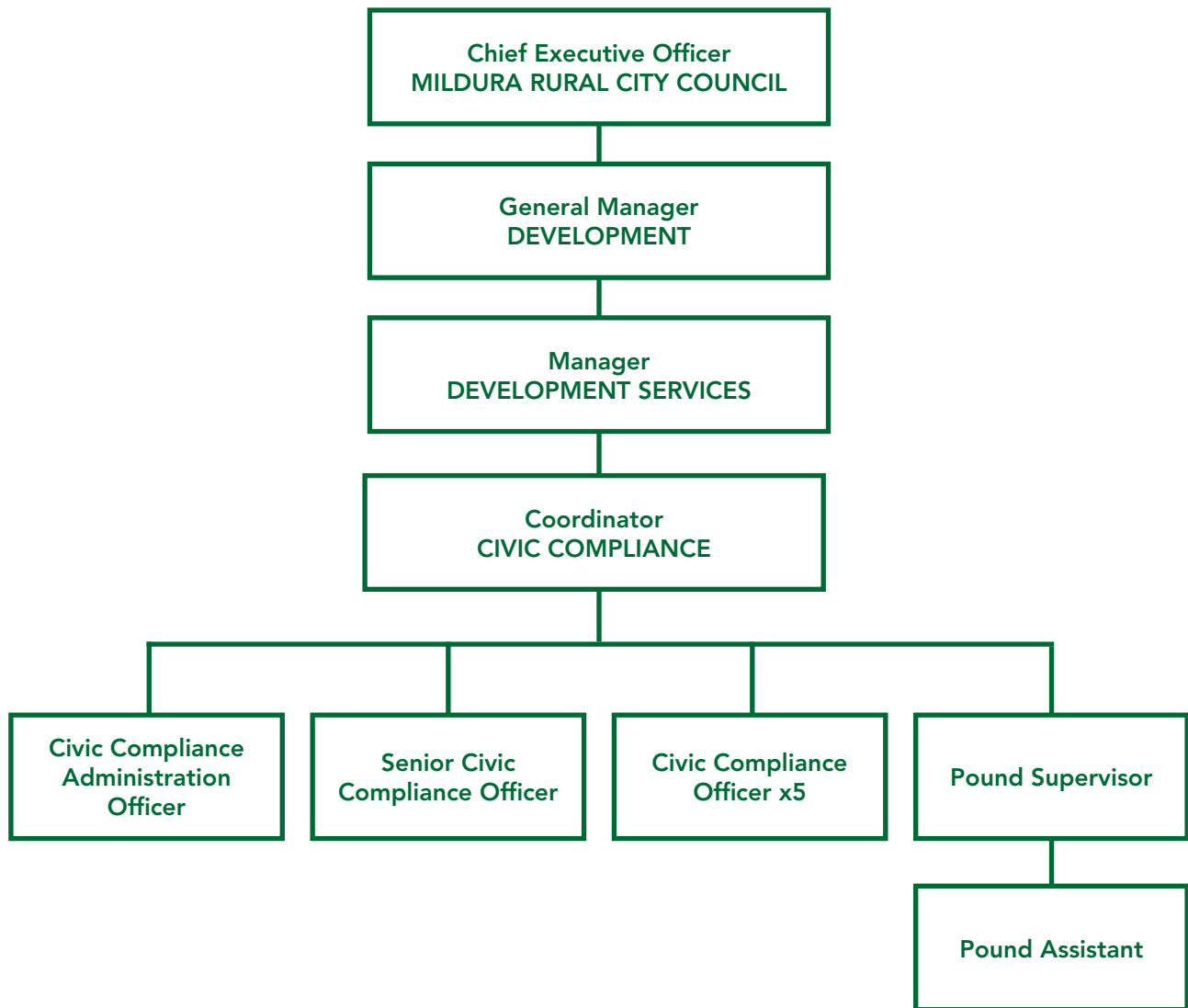
Options include:

- Certificate IV Animal Regulation and Management
- Animal handling courses
- Animal behavioural training
- Investigation and statement taking courses
- Prosecution courses
- Information technology courses and industry related seminars
- Conferences, training and briefings from:
 - Department of Economic Development, Jobs, Transport and Resources
 - Mildura Rural City Council contracted Veterinary provider
 - Australian Institute of Animal Management Inc. (AIAM)
 - Warner Institute of Business
 - other relevant Associations/Organisations

Annual performance reviews help to identify any skills and training gaps which are used to plan future skills development.



Current organisational structure of Civic Compliance Unit



2021-2025 Action Plan

Objective 1: Ensure Authorised Officers have the knowledge and skills required to administer their roles safely and effectively.

Action	Frequency	Measure
Establish and maintain an ongoing training register for all Authorised Officers	Register set up as part of Performance and Development Plan (PDP) at start of employment	PDPs reviewed and updated annually
Authorised Officers to complete minimum training requirements within first two years of employment	Upon start of employment and ongoing	Regular checks at 6 month, 12 month and 2 year anniversary
Identify additional training opportunities for Authorised Officers e.g. prosecutions training, conflict management, time management, investigation & case management and animal behaviour training/ workshops.	PDP's developed annually and updated regularly as training opportunities identified.	Annually

Responsible pet ownership

This section of our DAMP addresses Section 68(A) (2)(c)(i) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's approach to promoting and encouraging the responsible ownership of cats and dogs.

Council uses a combination of education, promotion and enforcement to encourage residents to look after their pets' responsibly.

A coordinated and ongoing plan of communication programs is implemented each year. Ad hoc strategies are also implemented in response to issues as they emerge.

Mildura Rural City Council develops an annual Responsible Pet Ownership Communications Plan, which focuses on increasing pet owners' awareness, understanding and behaviour. Key messages and topics in the plan include:

- Registering and microchipping
- Desexing
- Vaccinations and pet health
- Exercising and socialising your dog
- Use of on and off-leash areas
- Picking up after your pet
- Adopting a pet
- Local Laws relevant to animals

In order to meet the communities' diverse and varying needs, preferences and abilities, we utilise a range of different communication methods and channels to encourage responsible pet ownership. This includes, but is not limited to:

- Presentations at schools
- Stalls and displays at markets and community events
- TV, radio, print and digital advertising
- Information on Council website
- Media releases and interviews
- Posts on Council's social media platforms (Facebook and Twitter)
- Articles in local newspapers, magazines and community newsletters
- Annual animal registration renewal mail-out
- Signage in parks, reserves and walking tracks
- Printed materials, brochures and flyers at Council Service Centres, local vets, pet and animal supply stores

- Implementation of Responsible Pet Ownership discount voucher initiative
- Supporting third party initiatives and events such as Sunraysia Animal Rehousing Group (SARG) Paws Along the Murray Walk and the RSPCA Mildura Loves Pets program

Our front-line staff, including the Pound Supervisor, Civic Compliance Officers and Customer Support Officers play a vital role in delivering responsible pet ownership information and messages. Through face-to-face, telephone and email conversations, they have a significant capacity to educate and inform pet owners about animal-related legislation, obligations, services and programs. Communicating in a one-on-one environment also provides opportunity to understand pet owners' individual circumstances and target responsible pet ownership messages and services accordingly.

Public questions, customer enquiries and data from complaints highlights the need for clear, simple, ongoing and repeated communication about responsible pet ownership.

Clarity around dog regulations in public places, including providing a consistent and accurate approach to dog control signage is also a priority. Pet owners and non-pet owners have requested ongoing education and communication around responsible pet ownership, to ensure greater community compliance with and enforcement of regulations.

Relevant Orders, Local Laws, Policies and procedures

Currently Mildura Rural City Council does not have Orders or Local Laws specific to communicating or enforcing the Responsible Pet Ownership message.

A range of policies and procedures are in place, aimed at improving community understanding of responsible pet ownership, including:

- Registration forms and Responsible Pet Ownership information packs posted to new pet owners.
- Regular reviews and updates on pet ownership content on Council website
- Attendance at community events support animal welfare initiatives
- Weekly patrols to provide education to pet owners
- Regular media interviews and features



2021-2025 Action Plan

Objective 2: Utilise a range of communications channels to deliver simple, clear responsible pet ownership messages

Action	Frequency	Measure
Develop and implement Responsible Pet Ownership Communications Plan in partnership with Marketing and Communications Unit	Annually	Number of Plan actions completed
Host school visits and other public information opportunities	Ongoing	Number of promotional events/activities attended
Review all animal promotional materials and web content	Annually	Accuracy of information
Maintain annual Responsible Pet Ownership voucher program	Annually	Number of vouchers issued and redeemed

Registration and identification

This section of our DAMP addresses Sections 68A(2)(c)(v) and 68A(2)(a),(c)(i),(c)(ii),(d),(f) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's services and strategies to encourage the registration and identification of dogs and cats.

Council invests considerable resources, time and effort on identifying and registering cats and dogs.

It is compulsory for all cats and dogs over three months of age to be microchipped and registered with Mildura Rural City Council. While this is a legal requirement, it also helps ensure lost animals can be reunited with their owners if found by Council staff.

Animals that are not currently registered with Council along with no current or updated details recorded against the microchip, can make it difficult

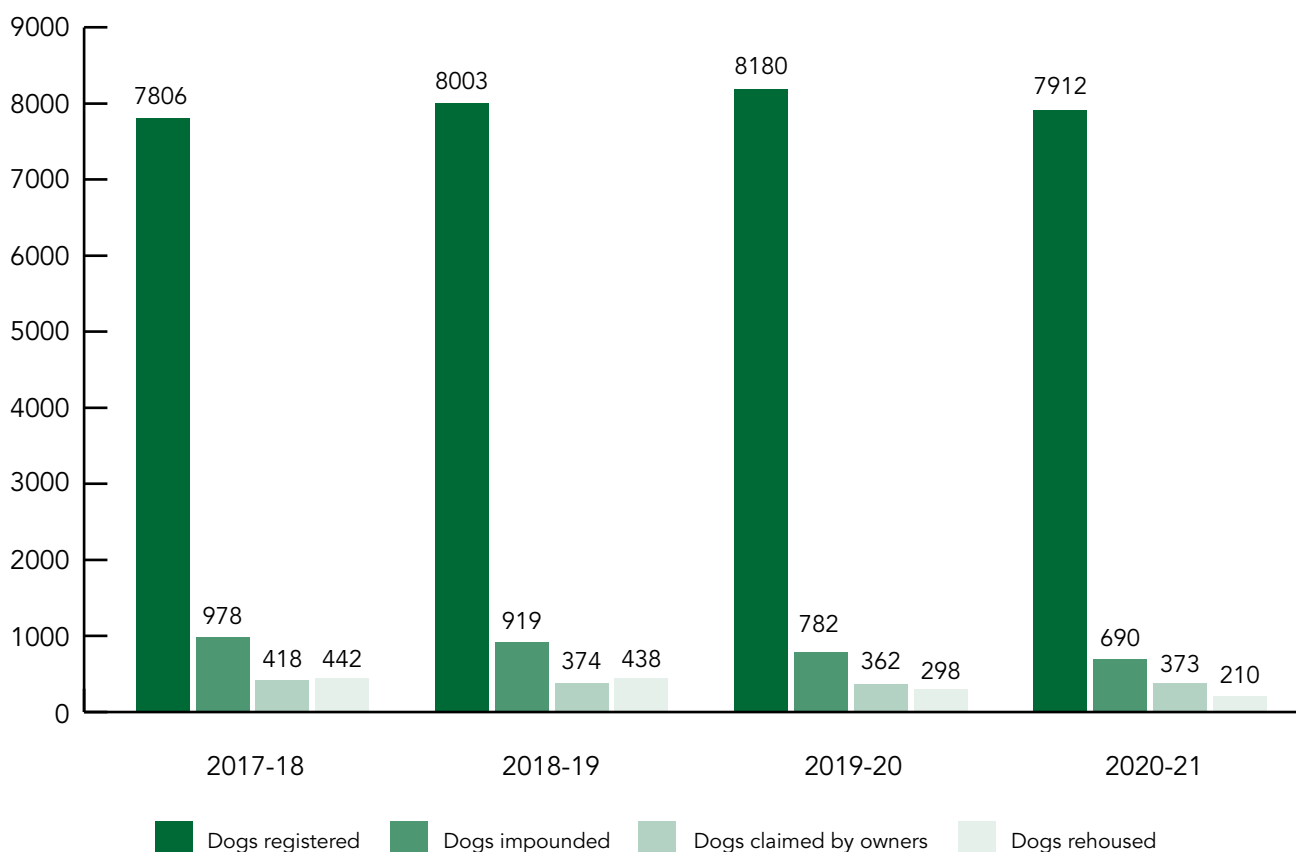
for Officers to reunite a dog or cat with their owners and can therefore leave Officers with no other option but to impound the animal.

Owners are required to ensure registration details are updated when they move, or circumstances have changed.

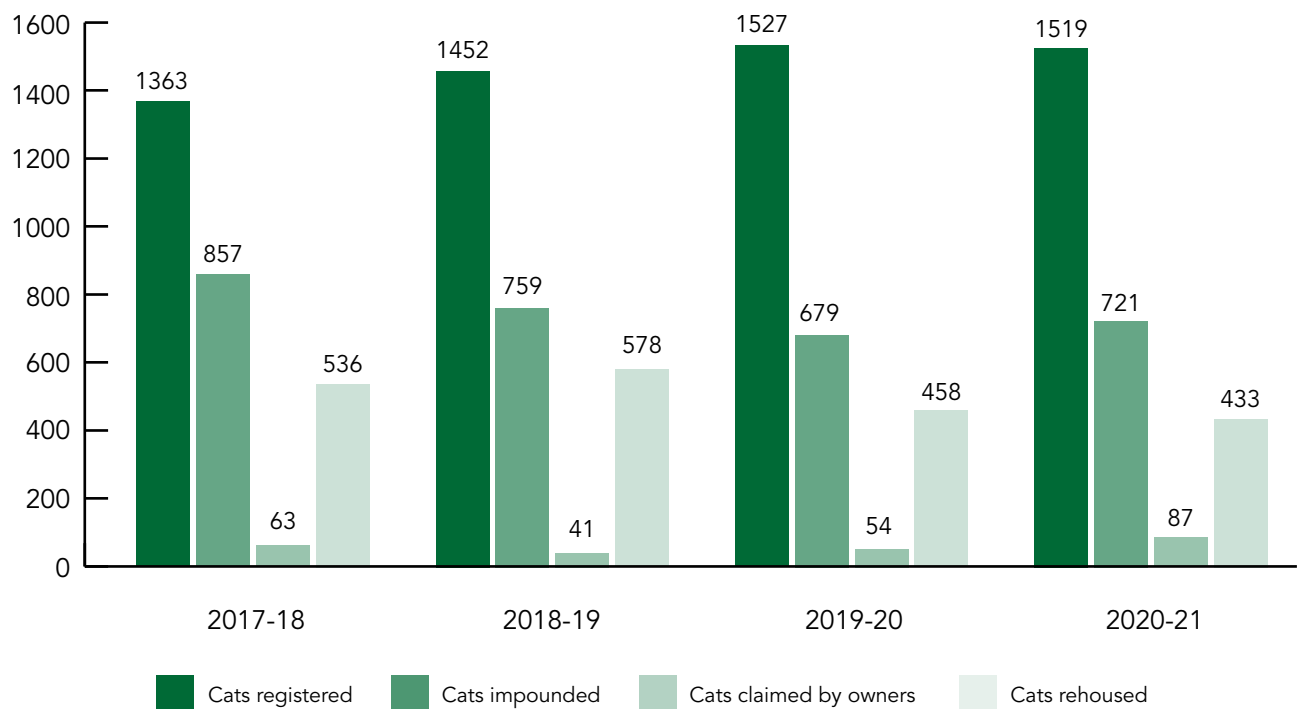
Identification and registration of animals is also critical in investigating complaints and ensures proof of pet ownership.

Registration numbers for both cats and dogs have remained steady in our community across the past four years.

Dogs registered, impounded, claimed and rehoused



Cats registered, impounded, claimed and rehoused



Our current processes and policy

An extensive communication and awareness campaign is undertaken every March to promote and encourage pet registration in the lead up to the April 10 deadline. Key activities include:

- Sending renewal notices to all owners of registered pets
- Television, radio, newspaper and digital advertising
- Media releases
- Stories in community newsletters
- Social media and website promotions
- Signage on community noticeboards and at Council Service Centres
- Door knocking to inform and educate
- Contacting pet owners that have not renewed their animal's registration

Further to this, ongoing promotions and enforcement activities are undertaken throughout the year to encourage pet registration and identification, including:

- Provision of ID tags for all registered animals
- Registration discounts
- Presentations at schools
- Displays at markets and events
- Website content

- Brochures and flyers
- Information provision during routine patrols
- Requiring impounded animals to be microchipped and registered prior to release
- Issuing notices and /or infringements for animals found unregistered
- Seizure of unregistered animals and possible prosecution of owner 30 days after the infringement was issued if the animal remains unregistered
- Monitoring animal sale advertisements to ensure microchip numbers are provided

Relevant Orders, Local Laws, Policies and procedures

Domestic Animals Act 1994, Section 68A (2) (a), (c) (i), (c) (ii), (d), (f)

All dogs and cats are required to be registered annually. Registered pets are also required to wear an identification marker outside their premises. All dogs and cats being registered in Victoria for the first time must be microchipped before they can be registered.

- Mildura Rural City Council Community Local Law No. 2, Section 2.1 Keeping of Animals
- Civic Compliance Officers are authorised to seize or impound unregistered dogs and cats under the Domestic Animals Act 1994. Council

has policies and procedures associated with the seizure and impounding of unregistered and/or unidentified dogs and cats in line with the Domestic Animals Act 1994.

- Mildura Rural City Council Processes and Procedural Guidelines:
 - Animal Registration – Renewal Rollover
 - Animal Registration – Change of Ownership
 - Animal Registration – New Owner
 - Animal Registration – New Animal
 - Animal Registration – Tag replacement
 - Animal Found to be Unregistered
 - Capture and Securing Dog and Cats
 - Pound Animal Release
 - Rehousing an Animal
 - Rehousing an Animal to Rehousing Group

2021-2025 Action Plan

Objective 3: Increase animal registrations and enhance opportunities to reunite pets and owners

Action	Frequency	Measure
Implement annual pet registration communications campaign	Annually	Number of registrations and renewals
Contact all owners with pets whose registrations have not been renewed	Annually and ongoing	Registration renewal rate Accuracy of registration contact details
Register and microchip all impounded animals prior to release	Ongoing	Number of registrations
Civic Compliance Officer may, at their discretion, consider returning wandering cats or dogs to owners without charge on first offence, if animal is registered and microchipped	Ongoing	Number of animals impounded Number of animals claimed by owner



Nuisance cats and dogs

This section of our DAMP addresses Sections 68A(2)(c),(vi) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's services and strategies to minimise the potential for dogs and cats to create a nuisance. Other applicable sections of the Act include Sections 68A(2)(a),(c),(i),(c),(ii),(d),(f).

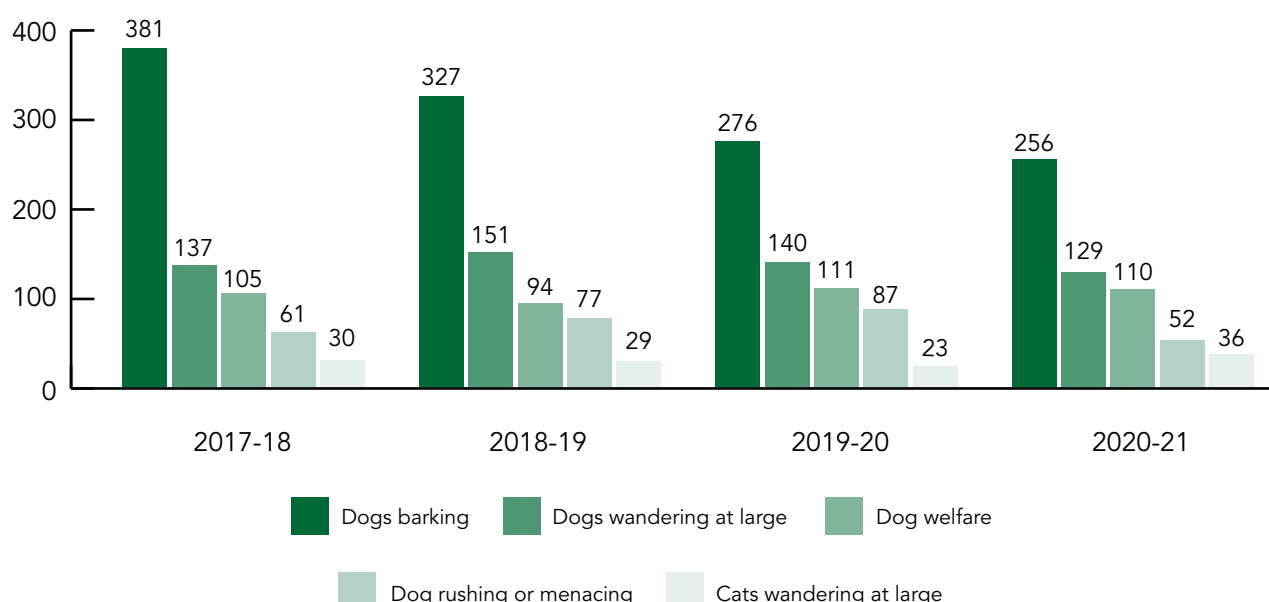
Nuisances caused by dogs and cats can have a significant impact on the health, safety, amenity and wellbeing of the community. Supporting pet owners to minimise nuisance issues is a key element of Council's responsible pet ownership education and promotional activities.

Council's Civic Compliance team responds to and investigates animal nuisance issues including wandering or trespassing cats and dogs, dog faeces, barking dogs, animal welfare and dogs rushing or menacing. Dog barking complaints are the most common animal nuisance.

Data shows that the number of animal complaints made to Council is trending downwards. While barking dogs remains the primary source of concerns reported, instances have dropped by almost 22%.

Reports of dogs wandering at large, rushing or menacing also decreased during the period of the previous DAMP.

Animal nuisance complaints



Dog faeces on walking tracks, paths, streets, parks recreation reserves and other public places is an ongoing issue of concern in our community – for both pet owners and those who do not own pets.

Not only is it smelly, unsightly and inconvenient, animal faeces poses risks to public health, environmental health and the health of other animals.

Council started capturing data about dog faeces complaints in 2018. Since then we have received 17 reports. This number is likely to be far lower than what the public experiences as it is accepted that this issue is often not reported to Council as a formal complaint. Incidental community engagement shows it remains a concern –

particularly on popular walking tracks, sporting fields and at community markets.

Council requires dog owners to carry an appropriate receptacle (e.g. bag or scoop) to remove and dispose of their dog's faeces whenever they are with their dog in a public place.

In the past four years a concerted effort has been made to increase education and enforcement on this issue. Civic Compliance Officers have undertaken 296 patrols. Messaging has also been distributed via signage at sporting fields, installation of bag dispenser caddies in public places, media coverage and information distributed via social media, website and printed material.

Our current processes and policy

When managing matters regarding animal nuisance issues, Council tries to balance the interests and rights of the animal and their owner as well as the complainant. The majority of cases are resolved after the first complaint, especially in regards to barking dogs.

The majority of nuisance animal cases can be resolved through responsible pet ownership and are the direct result of things such as:

- Boredom
- Territorialism
- Provoked intentionally or unintentionally by humans, wildlife, other animals or vehicles
- Hunger or thirst
- Neglect
- Sickness or poor diet
- Attention seeking or communication
- Lack of space or exercise
- Separation anxiety
- Inadequate fencing/enclosures

In the first instance, Council always encourages complainants to speak directly to the pet owner in question. In many cases, the pet owner is often not aware their animal is causing an issue or concern and are happy to address the matter.

Often, complainants do not want to confront the owners of nuisance animals and prefer to remain anonymous. The identity of all complainants to Council are kept confidential and are only for Council's use.

Council has a standard operating procedure for barking dog complaints to ensure that all complaints received are handled in a consistent manner. The procedure outlines the required steps involved to register and investigate the complaint, liaise with the dog owner and surrounding neighbours and provide feedback to the complainant.

Noise, such as barking, will only be considered a nuisance if it is persistent enough to disrupt resident's peace, comfort, convenience or quality of life. Once Council receives a barking dog complaint, Council will send out a Civic Compliance Officer to visit the owner of the barking dog to inform them of their legal requirements and offer some suggestions on how to stop excessive barking.

Some cases may require the complainant and dog owner to keep a diary of the noise (barking dates and times) to assist in the investigation.

It is against the law for:

- Dogs to wander the streets because they can cause vehicle accidents, damage to property, intimidate the public and knock down young children or the elderly. If a dog is found "at large" and seized by Council, it may be taken to the Mildura Animal Pound and the owners will be liable for Pound release fees and any applicable infringements
- A member of the public to pick up a stray dog and keep it in their custody. The public have a duty of responsibility to return the stray dog to its owner, contact Council or take it to the Mildura Animal Pound. If a member of the public contacts Council to pick up a stray dog, the animal must be kept secured on either a leash or in an enclosed space or else Council officers may not attend the request
- To walk a pet without it being leashed. Civic Compliance Officers may issue infringements for this offence if detected

In the circumstances of an animal cruelty complaint, a Civic Compliance Officer will inspect the property where the animal is located and make a decision on whether to seize the animal, seek veterinary assistance (depending on the animals condition or situation) or otherwise. All Civic Compliance officers are POCTA authorised (Prevention of Cruelty to Animals).

Issues regarding rushing or aggressive dogs should be reported to Council immediately so that a trained and authorised Civic Compliance Officer can investigate.

Upon request, Council has approved, cage-style dog and cat traps available to assist customers in capturing animals that enter private properties.

A range of proactive and reactive measures are used to address nuisance issues. This includes, but is not limited to:

- Provide suggestions, information and resources to pet owners on managing animal behaviour
- Encouraging animal training
- Providing information about barking prevention devices such as barking dog collars (as required with veterinary advice) and Pet Safe Outdoor Ultrasonic Bark Control and Recording Devices
- Signage about animal faeces in public places
- Dog faeces bag dispensers at recreation reserves, and popular walking tracks
- Regular patrols of popular walking sites
- Information sessions and presentations to local schools
- Promotion and awareness campaigns about responsible pet ownership
- Cat trapping service
- Utilising data received through customer complaints and enquiries to inform patrol areas

Relevant Orders, Local Laws, Policies and procedures

- Mildura Rural City Council Community Local Law No. 2 Section 2.1 Keeping of Animals, Section 2.2 Litter of Animals, Section 2.3 Noise and Smell, Section 2.4 Effective Fencing, Section 2.5 Leashed Areas
- Mildura Rural City Council Processes and Procedural Guidelines:
 - Capture and Securing Dog and Cats
 - Cat Trap Service
 - Dog Trap Service
 - Barking Dog Procedure
 - Animal Welfare Procedure
 - Dog Rushing Procedure

2021-2025 Action Plan

Objective 4: Decrease dog faeces in public places

Action	Frequency	Measure
Proactively patrol public open spaces, Mildura riverfront, parks and reserves to educate dog walkers about their responsibilities	Ongoing	Number of patrols undertaken Number of enforcement actions Number of dog faeces complaints received
Review educational/enforcement signage in public places with view to improve visibility and consistency	Ongoing	Review undertaken Number of signs on display

Objective 5: Improve education and awareness around nuisance animal issues

Action	Frequency	Measure
Include messaging around animal nuisance issues in regular communications channels i.e. website, social media, eNews, newsletters and promotional materials	Ongoing	Number of instances messaging is publicised Number of nuisance animal complaints

Dog attacks

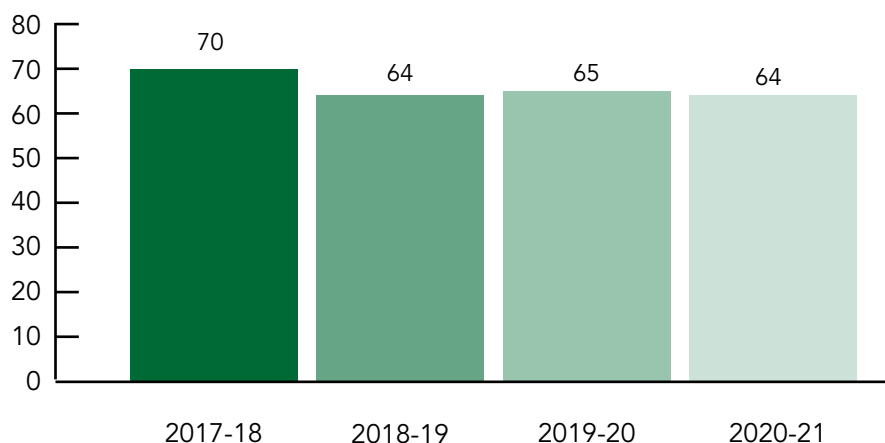
This section of our DAMP addresses Sections 68A(2)(c)(iii) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's services and strategies to minimise the risk of injury to people and other animals resulting from dog attacks. Other applicable sections of the Act include Sections 68A(2)(a),(c),(i),(c)(ii),(d),(f).

All dog attacks are serious and Council is committed to reducing the impact and number of incidents that occur in our community. A dog attack has significant consequences for pet owners, pets and the wider community. Our community has a right to feel safe and to be protected from potential harm when using public spaces.

In the 2020-21 Financial Year, Council Authorised Civic Compliance Officers responded to 64 dog attack reports and 52 reports of dogs rushing or menacing.

Data from the past four years shows the number of dog attacks in our community remains steady and it is therefore vital that we continue to address this issue through education, investigation, enforcement and, where appropriate, prosecution.

Dog attacks



The majority of dog attacks occur when a dog is wandering at large or not under effective control. Dog attacks on livestock are also an increasing issue in rural areas. Council is committed to implementing education and enforcement programs to effectively reduce the number of dogs wandering and reducing the potential and risk of dogs attacking.

Council is also committed to prosecuting dog owners for serious offences where required. Other legislation may be enforced such as Dangerous Dog Declarations, Minor Dog Attack and Rushing and Menacing infringements. Other infringements may also be issued in line with the Domestic Animals Act.

Our current processes and policy

Council takes dog attacks very seriously and regards reports of this nature as a high priority. Civic Compliance Officers provide a 24/7 response service to ensure minimal risk to the community. Authorised Civic Compliance Officers undertake thorough investigations of all dog attack reports.

This process includes:

- Taking statements from all parties involved
- Obtaining vet reports, medical reports and photographs and
- Providing a report based on the investigation together with recommendations

Possible courses of action Council can choose include:

- Infringements (where non-serious injuries sustained - minor attack)
- Menacing/Dangerous Dog Declaration
- Prosecution in Magistrates' Court
- Seek destruction/compensation orders by a Magistrate
- Seek mediation between parties
- Written warning
- No action

Where serious injuries have occurred to a person or another animal and there is enough evidence to form a prosecution (as defined by the Domestic Animals Act 1994), Council may decide to have the matter heard in the Magistrate's Court.

Other compliance activities undertaken by Council include:

- Responding to reports of aggressive dogs and dog attacks immediately. This service includes a 24 hour emergency call out service
- Seizing and holding dogs pending investigation/prosecution into a dog attack
- Increased patrols
- Proactive patrols of parks and streets in an attempt to reduce wandering dogs
- Issuing infringements for minor attacks
- Issuing infringements for wandering dogs
- All reported dog attacks within Council are recorded

- Seizing and impounding dogs in circumstances where the owner's property is believed to be unsecured
- Follow up of seized animals due to being unsecured to ensure that the dog has been secured and issue infringements if required

Relevant Orders, Local Laws, Policies and procedures

- Mildura Rural City council Community Local Law No. 2 Section 2.1 Keeping of Animals, Section 2.3 Noise and Smell, Section 2.4 Effective Fencing, Section 2.5 Leashed Areas
- Mildura Rural City Council Processes and Procedural Guidelines:
 - Capture and Securing Dog and Cats
 - Cat Trap Service
 - Dog Trap Service
 - Dog Rushing Procedure
 - Dog Attack Procedure
 - Prosecutions Procedure

2021-2025 Action Plan

Objective 6: Minimise the incidence of dog attacks in our community.

Action	Frequency	Measure
Proactively patrol public open spaces, parks and reserves to identify and reduce numbers of roaming, off leash or unsecure dogs	Ongoing	Number of patrols undertaken
Where a dog is involved in an attack or rush incident, consider prosecution or declaration of the dog where appropriate, so that restrictions may be enforced.	Ongoing	Number of declarations Number of prosecutions
Provide dog traps to landowners impacted by livestock attacks	Ongoing	Number of traps distributed
Include messaging around on leash rules in regular communications channels i.e. website, social media, eNews, newsletters and promotional materials	Ongoing	Number of instances messaging is publicised Number of dog attacks



Overpopulation and high euthanasia

This section of our DAMP addresses Sections 68A(2)(c)(iv) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's programs, services and strategies address overpopulation and high euthanasia rates for cats and dogs. Other applicable sections of the Act include Sections 68A(2)(a),(c),(i),(c)(ii),(d),(f).

Stray or unidentified dogs and cats are collected daily within our municipality. Reuniting lost animals with their owners is always our first priority. Civic Compliance Officers always attempt to reunite lost animals with their owner via any identification. If there is no identification, the animal is taken to the Mildura Animal Pound.

Council has invested significant resources to improve animal rehousing and reduce euthanasia and overpopulation rates in our community. All responsible pet ownership promotion and education has a particular emphasis on desexing, microchipping and registrations. Each of these factors can significantly improve the chances of reuniting a lost or wandering pet with its owner.

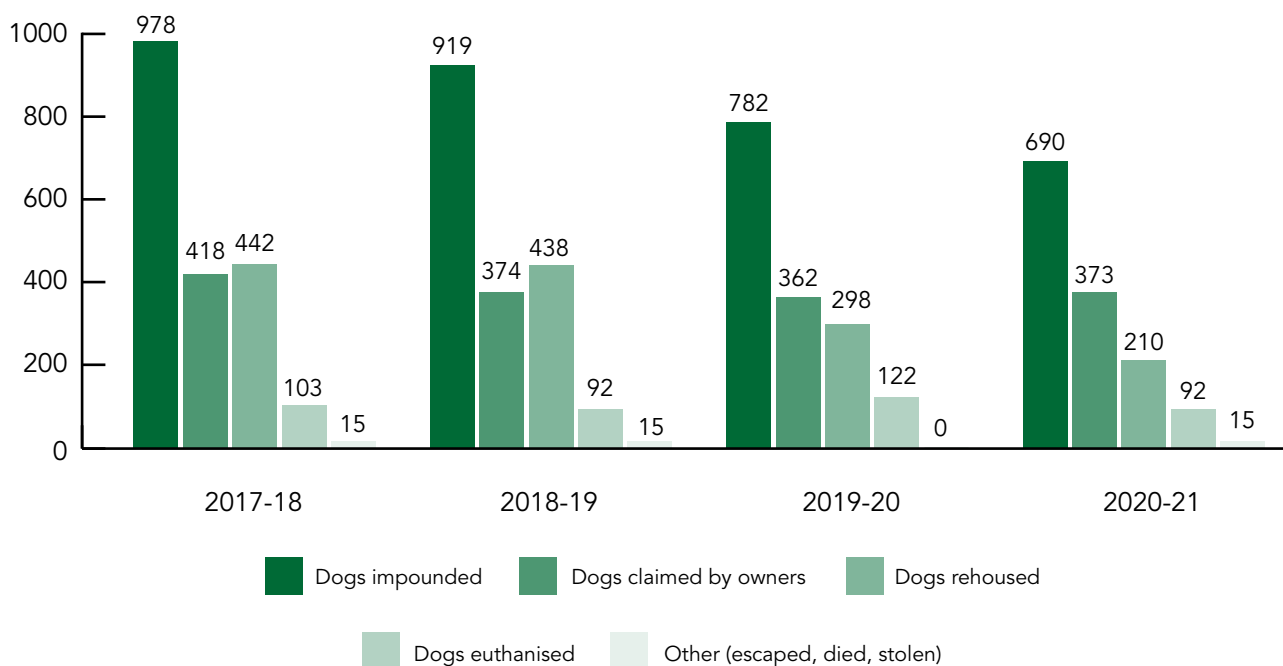
In the 2020-21 Financial Year 690 dogs were impounded. More than 84% of these were claimed by their owner or rehoused.

Increased focus and education of registrations microchipping and desexing has helped to reduce the the number of dogs impounded each year.

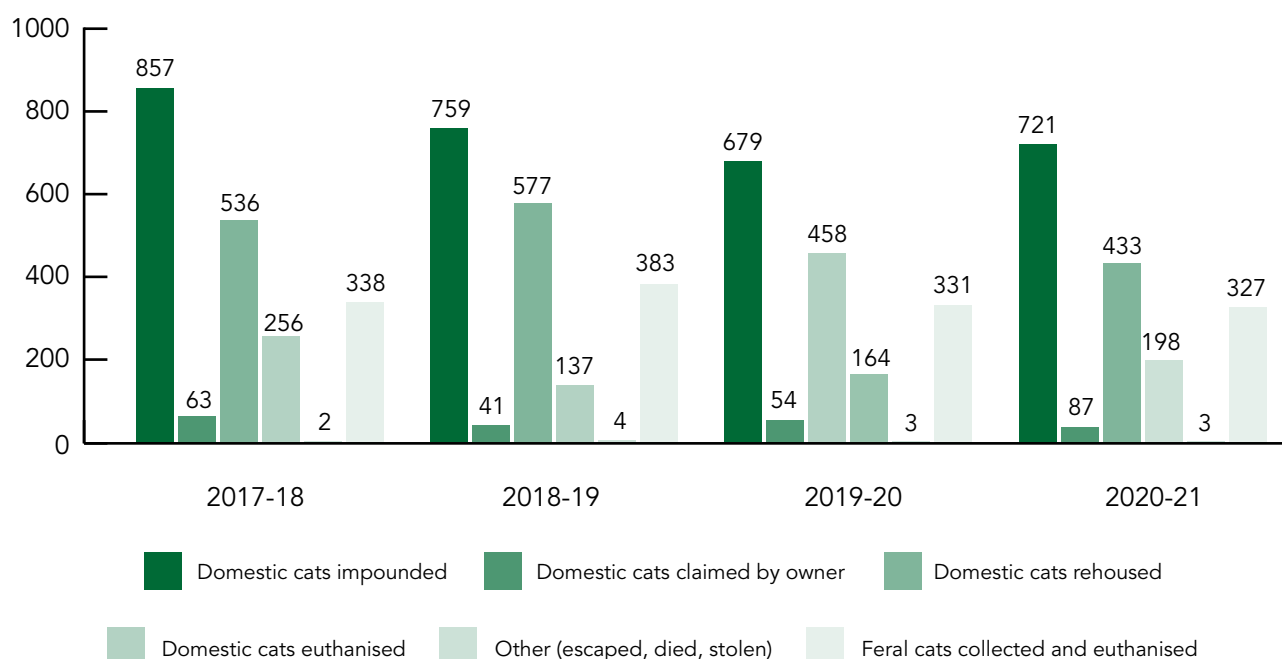
The number of dogs impounded has dropped by approximately 25% in the past four years. However, cat impoundment numbers remain steady, which can be attributed to the ongoing issues with stray and feral cat populations and unplanned breeding.

Unfortunately euthanasia and overpopulation rates in our region remain steady and present an ongoing animal management challenge for Council and the wider community.

Dog impoundments and euthanasia rates



Cat impoundment and euthanasia



Council has solid ongoing relationships and excellent support from animal rehousing groups. There are currently 12 Section 84Y Agreements in place, which have helped maintain strong rehousing rates. In the 2020-21 Financial Year, 210 dogs and 433 cats were rehoused from the Mildura Animal Pound.

A Responsible Pet Ownership Voucher program is implemented annually to assist pet owners cover the costs of desexing and microchipping in an extra effort to reduce the overpopulation numbers. More than 800 vouchers have been distributed since this program was started in 2017.

Our current processes and policy

A range of education and promotional activities are undertaken annually to help reduce overpopulation and euthanasia rates in the Mildura Rural City Council area. Like so many animal management issues, the focus is on responsible pet ownership and includes:

- Advertising in local newspapers, radio and TV networks prior to animal registration
- School visits regarding responsible pet ownership and general education
- Ongoing Council funding for Responsible Pet Ownership vouchers to encourage microchipping and desexing of dogs and cats within the municipality

Compliance activities are also utilised to help manage overpopulation and

euthanasia, including:

- Discounted registration fees for desexed cats and dogs
- Restrictions on numbers of cats and dogs allowed on properties
- Annual registration renewal notices sent to all current registered cat and dog owners
- Implementation of door knock program regarding unregistered animals (May – July) and barking complaints as required
- Patrols are carried out throughout the year
- Cat traps are used throughout our Council to reduce the number of feral cats and domestic cats which contribute to overpopulation issues.

Relevant Orders, Local Laws, Policies and procedures

- Domestic Animals Act 1994, Section 82 Seizure of unregistered dogs or cats
- Mildura Rural City council Community Local Law No. 2 Section 2.1 Keeping of Animals, Section 2.2 Litter of Animals, Section 2.3 Noise and Smell, Section 2.4 Effective Fencing, Section 2.5 Leashed Areas
- Mildura Rural City Council Processes and Procedural Guidelines:
 - Apply to keep more than 2 cats or dogs
 - Capture and Securing Dog and Cats
 - Cat Trap Service

2021-2025 Action Plan

Objective 7: Encourage pet owners to desex their cats and dogs

Action	Frequency	Measure
Offer a discounted rate on annual pet registration fees for desexed cats and dogs	Ongoing	Number of registered pets that are desexed
Implement annual Responsible Pet Ownership voucher program	Ongoing	Number of vouchers distributed

Objective 8: Decrease stray animals to reduce overpopulation

Action	Frequency	Measure
Make approved, cage-style dog and cat traps available for residents to borrow	Ongoing	Number of trap requests
Implement annual pet registration communications campaign	Annually	Number of registrations and renewals Number of animals collected

Objective 9: Increase annual reclaiming and rehoming rates

Action	Frequency	Measure
Review existing Section 84Y agreements with third party bodies to rehouse animals from Mildura Pound	Every three years	Number of current Section 84Y Agreements
Promote animals available for adoption at Mildura Pound through website, local media and social media channels	Ongoing	Number of animals rehoused





Dangerous, menacing and restricted breed dogs

This section of our DAMP addresses Sections 68A(2)(c)(vii) of the Domestic Animals Act 1994 by outlining Mildura Rural City Council's programs, services and strategies effectively identify all dangerous dogs, menacing dogs and restricted breed dogs. and animals. Other applicable sections of the Act include Sections 68A(2)(a),(c),(i),(c)(ii),(d),(f).

The health and safety of all people, animals and property in our region is of utmost importance to Council. While restricted breed and declared dangerous dog numbers have remained consistently low in our region, Council has a responsibility to manage and monitor these breeds.

The Domestic Animals Act 1994 defines Restricted Breed Dogs as any one of the following breeds:

- Japanese Tosa
- Fila Brasileiro
- Dogo Argentino
- Perro de Prasa Canario (or Presa Canario)
- American Pit Bull Terrier (or Pit Bull Terrier)
- Any cross breed of the above breeds

Restricted Breed Dogs are required to:

- be desexed
- be kept on a leash and muzzled at all times when in public
- securely confined as per approved housing requirements
- wear a red and yellow striped collar at all times.

Properties containing a Restricted Breed Dog must display a specific turquoise warning sign at the entrance to the property indicating that a Restricted Breed Dog is housed there. Bans on breeding, adopting or transferring the ownership of Restricted Breed Dogs will also remain in place.

There are currently no Restricted Breed Dogs registered in our Council area.

A Declared Dangerous Dog is a dog that has attacked a person or animal or which, in the opinion of Council, has caused serious injury to a person or another animal.

The owner of a Dangerous Dog has to meet stronger control provisions, including erecting an approved housing enclosure.

There are currently two Declared Dangerous Dogs in the Mildura Council area.

Given the very low numbers, Restricted Breeds, menacing and Declared Dangerous Dogs are not a significant problem within the Mildura Council area. Low numbers mean inspections for compliance can be undertaken routinely.

Our current processes and policy
Council undertakes the following activities:



- Restricted Breed and Declared Dangerous Dog renewals are sent out annually and recorded with the Victorian Declared Dog Registry
- Arrange annual Dangerous Dog inspections
- Communications activities relating to legislation/changes/updates
- Provide information to the public on request regarding declared/dangerous dogs

Current compliance activities include:

- Restricted Breed and Dangerous Dog renewals are sent out annually and recorded with the Victorian Declared Dog Registry
- Council Animal Register (Dangerous Dogs)
- Seizing dogs suspected of being Restricted Breed Dogs
- Prosecution / Infringements issued for any

2021-2025 Action Plan

Objective 10: Ensure accuracy of registration database for Restricted Breed Dogs

Action	Frequency	Measure
Cross reference microchip database with Council's registration database of potential Restricted Breed Dogs	Ongoing	Monitor and review of database for microchipping and registration Proactive follow up of complaints and related investigations

Objective 11: Ensure all Restricted Breed and Declared Dangerous Dog owners abide by legal obligations.

Action	Frequency	Measure
Undertake random annual inspection of all properties housing Restricted Breed or Declared Dangerous Dogs	Ongoing	Number of inspections undertaken
Check properties for dogs being used as guard dogs in response to customer or community complaints	As required, Ongoing	Number of inspections undertaken Number of guard dogs identified

- determined breach
- Performing annual inspections of all properties with declared dogs to ensure compliance with the Act and regulations.
- Following-up any non-compliance issues until the dog owner complies

Relevant Orders, Local Laws, Policies and procedures

- Mildura Rural City council Community Local Law No. 2 Section 2.1 Keeping of Animals, Section 2.2 Litter of Animals, Section 2.3 Noise and Smell, Section 2.4 Effective Fencing, Section 2.5 Leashed Areas



Domestic Animal Businesses

This section of our DAMP addresses Sections 68A(2)(c)(ii) of the Domestic Animals Act 1994 by outlining how Mildura Rural City Council will ensure Domestic Animal Businesses comply with the Act, regulations and any relevant legislation. Other applicable sections of the Act include Sections 68A(2)(a),(c),(i),(c)(i),(d),(f).

Domestic Animal Businesses such as pet shops, animal pounds and shelters, breeding and rearing businesses, pet boarding and dog training establishments must comply with specific rules and regulations under the Domestic Animals Act 1994.

There are currently seven registered Domestic Animal Businesses in the Mildura Rural City Council area.

This includes three pet shops, four boarding establishments and the Mildura Animal Pound.

Civic Compliance Officers work in partnership with all proprietors to ensure their establishments comply with relevant regulations.

Each registered facility is inspected annually to ensure compliance with the relevant codes of practice and legislation. This involves an educational approach, where Officers provide

information and support to assist proprietors to operate their businesses safely.

Registered Domestic Animal Businesses are also documented on a register for auditing purposes. Officers provide advice, information and support to all new businesses seeking to open.

Historically, compliance with Domestic Animal Business legislation and requirements has been high, and there have been limited issues or concerns with the few registered establishments in our region.

Our current processes and policy

Council plays both an education and enforcement role in managing Domestic Animal Businesses. Under current legislation, Council has the authority to:

- Refuse registration of a business if they fail to comply with the legislation and relevant code of practice
- Set special conditions on the registration of any Domestic Animal Business.

All Domestic Animal Businesses are registered with Council in accordance with The Act.

Council actively seeks to identify, investigate and prosecute any illegal Domestic Animal Businesses operating in the municipality. Other current activities include:

- Inspect and process new Domestic Animal Business applications
- Annual inspections undertaken in accordance with the Act; and issue annual registration certificates
- Actively seek and identify illegal domestic animal businesses and prosecute where appropriate
- Provide information on registering a new domestic animal business in digital and hard copy formats
- Provide information on reporting a concern about a domestic animal business in digital and hard copy formats

- Respond to and investigate breaches / complaints
- Inspect suspected unregistered Domestic Animal Businesses
- Liaise with Council's Statutory Planning Department to ensure planning conditions are adhered to
- Monitor advertising outlets (online and print) for illegal breeding or other Domestic Animal Business operations
- Enforcement activities including official warnings, infringements, notices to comply and court prosecution

Relevant Orders, Local Laws, Policies and procedures

There are currently no Orders or Local Laws relating specifically to Domestic Animal Businesses.

2021-2025 Action Plan

Objective 12: Identify and register all operating Domestic Animal Businesses to ensure compliance.

Action	Frequency	Measure
Audit, inspect and register all Domestic Animal Businesses by 10 April each year	Annually	Number of inspections, registrations and audits completed Number of compliance issues identified

Objective 12: Identify and register all operating Domestic Animal Businesses to ensure compliance.

Action	Frequency	Measure
Check local newspapers and online platforms to ensure Domestic Animal Business registration	Ongoing	Non-compliance detected and investigated
Investigate complaints relating to the operation of a Domestic Animal Businesses	Ongoing	Records of and resolution of complaints to achieve compliance
Continue annual property inspections for compliance as per the Act	Annually	Number of inspections, registrations and audits completed Number of compliance issues identified

Other animal matters

This section of our DAMP addresses Sections 68A(2)(e) of the Domestic Animals Act 1994 by reviewing any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary.

Rio Vista Off Leash Dog Park

Our region's first designated site for dogs to exercise off leash was established at Rio Vista Park on the Mildura riverfront in September 2017. Strong demand and use of the site during an eight month trial cemented its viability.

An Advisory Committee was set up to guide improvements and amenity upgrades to the facility. The Advisory Group included respected local animal training, health and welfare professionals as well as members of Council's Recreation Planning and Development and Civic Compliance teams. Significant improvements and enhancements were completed at the end of 2021 and the site continues to be well-utilised by local and visiting dog owners.

Civic Compliance Officers patrol the Rio Vista Off Leash Dog Park regularly, as part of routine inspections. Officer presence on site helps reinforce the rules and ensure compliance with conditions of use.

Information about conditions of use is displayed clearly on signage at the Dog Park and also available on Council's website and promoted through other channels such as social media. Additionally, educational signage about recognising and managing dog behaviour and body language whilst using the Dog Park is on display for pet owners' benefit.

The team also liaises closely with Council's Recreation Planning and Development Unit and the Off Leash Dog Park Advisory Committee on issues relating to the site, to ensure it continues to be a safe and appropriate facility where dogs can exercise, socialise and develop other behavioural skills.

As popularity of the park grows, demand for similar facilities in other areas of the municipality is expected. The Civic Compliance team works collaboratively with stakeholders, the community and relevant Council departments to consider and investigate the potential for additional Off Leash Dog Parks.

Mildura Animal Pound

Council operates the Mildura Animal Pound to provide a safe and secure environment for lost and found, seized and surrendered animals in our community.

The Civic Compliance team is responsible for the day-to-day management and operations at the facility. The Animal Pound is open to the public six days a week during restricted hours while staff visit the facility and tend to animals' needs every day. Pound operations focus on animal welfare and reuniting animals with their owners. Where this is not possible, every effort is made to rehouse animals.

The Pound is operated in line with all relevant Domestic Animals Act legislation and the Code of Practice for the Operation of Shelters and Pounds.

Council has made significant improvements to enhance the quality, safety and amenity of the facility and its operations in the past four years. Recent key improvements and changes at the Mildura Animal Pound include:

- New office area to accommodate staff and customers
- Ongoing floor repair and maintenance
- Increased security including improved cameras and lighting
- All animal management vehicles now fitted with K9-Kubes for improved Officer and animal safety during handling and transport
- Pound Supervisor is qualified to microchip dogs and cats prior to release. Other Officers to complete this qualification when possible
- Ongoing improvements to animal health management including vaccinations of unidentifiable dogs and cats upon entry to the Pound, and new equipment such as F-10 Chemical Fogging machine to assist in reducing risk of diseases such as cat flu.

Further improvements and enhancements will be guided by the Mildura Animal Pound Masterplan, which is currently under development.

Managing animals in emergencies

Emergency events such as floods, fire, drought or evacuation, not only impact people. Animals, especially domestic pets, can be significantly affected and must be considered when planning for, reposing to and recovering from an emergency.

In the event of an emergency Mildura Rural City Council's Pound can be used to accommodate resident's pets (dogs and cats) as a temporary housing solution.

Council's Municipal Emergency Management Plan provides for this service.

2021-2025 Action Plan

Objective 14: Provide safe off leash dog exercise facilities

Action	Frequency	Measure
Continue to work with Advisory Committee, Recreation Planning and Development Unit and other Council and external agencies regarding Off Leash Dog Park matters	Ongoing	Meetings and advice provided
Regular patrols at Rio Vista Off Leash Dog Park	Ongoing	Number of patrols undertaken
Promote compliance and use of Rio Vista Off Leash Dog Park through digital and traditional channels	Ongoing	Number of instances messaging is publicised

Objective 15: Provide a safe and compliant pound service for lost and found, surrendered and seized animals operating to best-practise standards

Action	Frequency	Measure
Review Pound operations against DDA legislation and the Code of Practice for the Operation of Shelters and Pounds	Annually	Review undertaken and non-compliance issues recorded with a plan in place to rectify
Complete and implement Mildura Animal Pound Masterplan	Ongoing	Plan endorsed Number of Actions implemented

Objective 16: Ensure domestic animals are safe during emergencies

Action	Frequency	Measure
Provide temporary care for cats and dogs at Mildura Pound in event of an emergency	As required	Emergency animal care provided
Regular reviews of Municipal Emergency Management Plan	Annually	MEMP reviewed



Appendices

Domestic Animals Act 1994

Part 5A- Domestic animal management plans

68A Councils to prepare domestic animal management plans

1. Subject to subsection (1A), each Council must, in consultation with the Secretary, prepare a domestic animal management plan on 4 December 2021 and at the end of each period of 4 years after that day.

1A. A Council may apply to the Secretary for an extension of time within which to prepare a domestic animal management plan.

1B. The Secretary may grant an extension of time under subsection (1A) if the Secretary believes that special circumstances exist that warrant the granting of an extension.

2. A domestic animal management plan prepared by a Council must—

- a) Set out a method for evaluating whether the animal control services provided by the Council in its municipal district are adequate to give effect to the requirements of this Act and the regulations; and
- b) Outline programs for the training of authorised officers to ensure that they can properly administer and enforce the requirements of this Act in the Council's municipal district; and
- c) Outline programs, services and strategies which the Council intends to pursue in its municipal district—
 - (i) to promote and encourage the responsible ownership of dogs and cats; and
 - (ii) to ensure that people comply with

this Act, the regulations and any related legislation; and

(iii) to minimise the risk of attacks by dogs on people and animals; and

(iv) to address any over-population and high euthanasia rates for dogs and cats; and

(v) to encourage the registration and identification of dogs and cats; and

(vi) to minimise the potential for dogs and cats to create a nuisance; and

(vii) to effectively identify all dangerous dogs, menacing dogs and restricted breed dogs in that district and to ensure that those dogs are kept in compliance with this Act and the regulations; and

(d) Provide for the review of existing orders made under this Act and local laws that relate to the Council's municipal district with a view to determining whether further orders or local laws dealing with the management of dogs and cats in the municipal district are desirable; and

(e) Provide for the review of any other matters related to the management of dogs and cats in the Council's municipal district that it thinks necessary; and

(f) Provide for the periodic evaluation of any program, service, strategy or review outlined under the plan.

3. Every Council must—

(a) Review its Domestic Animal Management Plan annually and, if appropriate, amend the plan; and

(b) Provide the Secretary with a copy of the plan and any amendments to the plan; and

(c) Publish an evaluation of its implementation of the plan in its annual report.

Mildura Rural City Council

Community Local Law No. 2

Part 2 – Animals

2.1 Keeping of Animals

A person must not, without a permit: -

- (a) keep or allow to be kept more than four different types of animals on any one property at any time: or
- (b) keep or allow to be kept any more animals or types of animals than set out in the following table:-

Type of animals	Maximum numbers	
	Property area not exceeding 0.5 hectare	Property area exceeding 0.5 hectare
Dogs	2	2
Cats	2	2
Poultry	10	100
Domestic Birds (Includes Pigeons)	30	100
Domestic Mice	10	10
Guinea Pigs	2	10
Ferrets	4	10
Domestic Rabbits	2	2
Pigs	Not Permitted	6
Horses / Donkeys / Mules	Not Permitted	No Maximum Limit
Camel	Not Permitted	No Maximum Limit
Cattle	Not Permitted	No Maximum Limit
Sheep	Not Permitted	No Maximum Limit
Goats / Alpacas	Not Permitted	No Maximum Limit
Ostriches	Not Permitted	No Maximum Limit
Emus	Not Permitted	No Maximum Limit
Roosters	Not Permitted	No Maximum Limit
Peacocks	Not Permitted	No Maximum Limit
Any other agricultural animal	Not Permitted	No Maximum Limit

In determining whether to grant a permit for the keeping of animals where the number exceeds that set out in the Table, the Council must take into account-

- (c) the zoning of the property;
- (d) the proximity to adjoining properties;
- (e) the amenity of the area;
- (f) the type and additional numbers of animals to be kept;
- (g) the likely effects on the owners or occupiers of adjoining properties;
- (h) the adequacy of animal shelters;
- (i) the effect on the property's drainage; and
- (j) any other matter relevant to the circumstances associated with the application

Clause 2.1 does not apply where a planning permit has been obtained for a property used for the purposes of animal boarding or breeding or where the occupier is licensed in accordance with the Wildlife Act 1975. or where the occupier is a member of a breeding or racing organisation which is approved by the Council.

Dogs kept for working stock on land exceeding 20 hectares are not covered by clause 2.1.

Penalty: 5 penalty units

2.2 Litter of Animals

For the purpose of calculating the maximum limit of the number of animals kept on a single property, the progeny of any animal lawfully kept will be exempt for a period of 12 weeks after birth.

2.3 Noise and smell

For the purposes of this clause, "owner", includes a person who keeps or harbours the animal or has the animal in his or her care for the time being whether the animal is at large or in confinement.

- (a) Each owner and each occupier of any land where any animal or bird is kept must ensure that the keeping of the animal or bird does not allow any noise, smell or discharge to emanate from the Animal or Animal accommodation which is Offensive or interferes with the reasonable comfort or convenience of persons who occupy adjacent or nearby land.

Penalty: 2 penalty units

- (b) The owner of a dog that defecates in a Park, in or on a Road that contains a constructed Footpath or maintained nature-strip, or any walking path or shared Footpath or any other Public Place that has constructed surfaces or equipment or fixtures provided for the enjoyment of the public, must remove

the faeces and deposit it as litter in a lawful manner.

Penalty: 2 penalty units

- (c) A Person in charge of any dog on any Road or other Council Land must carry a Litter Device suitable to clean up any excrement left by his or her Animal and must produce such Litter Device upon request of any Authorised Officer or Delegated Officer.

2.4 Effective Fencing

Each owner and each occupier of land must ensure that livestock kept or grazed on the land under his or her control does not cause a threat to public safety.

- (a) Each owner and each occupier of land must not use the land for the grazing or keeping of livestock unless it is adequately fenced for the purpose of preventing the livestock from straying onto any Road or Council Land.

Penalty: 10 penalty units

Infringement notice: 2 penalty units

- (b) If an Authorised Officer is of the opinion that land used for the grazing or keeping of livestock is not adequately fenced then in addition to any penalty that may be imposed he or she may issue a Notice to Comply directing the owner or occupier of the land to do any or all of the following

- (i) install, repair, replace or modify fences and gates;
- (ii) remove any livestock from the land; and
- (iii) not to permit the grazing and keeping of livestock until required works have been completed.

2.5 Leashed Areas

- (a) All dogs and cats must be on a leash at all times when in the following locations:

- All streets and roads within urban areas;
- Apex Park Beach;
- All Public Reserves, unless specifically designated as an off leash area by Council;
- Langtree Mall;
- An shopping precincts; and
- Within 10 metres of all playgrounds

Penalty: 10 penalty units

Infringement notice: 2 penalty units



Mildura Rural City Council

Deakin Avenue Service Centre
76 Deakin Avenue, Mildura

Madden Avenue Service Centre
108 Madden Avenue, Mildura

Ouyen Service Centre
79 Oke Street, Ouyen

Phone: 03 5018 8100
PO Box 105, Mildura VIC 3502
mildura.vic.gov.au

14.11 ADOPTION OF URBAN TREE POLICY CP027

File Number: 18/02/01

Officer: Acting General Manager Development

1. Summary

The purpose of this report is to present the Urban Tree Policy CP027 and seek Council's resolution to adopt the updated policy.

2. Recommendation

That Council adopt the updated Urban Tree Policy CP027 as presented.

3. Background

This policy sets out the Mildura Rural City Council's policy for the establishment, protection and management of vegetation situated on Council owned or managed property comprising:

- Residential streets, medians, roundabouts, carparks, tree bays and nature strips
- Central Business Districts
- Gardens, recreation parks, sporting reserves, linear reserves and greenbelts.

4. Consultation Proposed/Undertaken

Consultation has been undertaken with Council's Strategic Management Team, Mildura City Heart and Greening Mildura.

5. Discussion

Council policies are developed and approved by Council to help govern how the organisation operates. They outline organisational decision-making processes and protocols for service delivery and civic administration.

In accordance with the review schedule, this policy and its principles have been comprehensively reviewed. Some minor changes have been made and these include:

- Grammatical and sentencing alterations.
- Inclusion of residents being able to request wood from nature strip trees to be retained by the property owner.
- Inclusion of reference to a number of updated Council plans and strategies.

6. Time Frame

The updated policy will come into force if adopted by Council and will be reviewed every three years.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Place

Outcome to be achieved:

- Sustainable infrastructure that meets the current and future community needs.

8. Asset Management Policy/Plan Alignment

There are no asset management implications associated with this report.

9. Implications

Policy

This report updates the current Urban Tree Policy CP027.

Legal/Statutory

This policy complies with all requirements under the *Local Government Act 2020*.

Financial

There are no financial implications associated with this report.

Environmental

There are no environmental implications associated with this report.

Social

There are no social implications associated with this report.

Economic

There are no economic implications associated with this report.

10. Risk Assessment

By adopting the recommendation, Council will not be exposed to any significant risk.

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

- 1 [↓](#) Urban Tree Policy CP021



Urban Tree Policy

Policy – CP027

Prepared	Reviewed	Approved	Date	Council Minute No.
Parks Services	SMT	Council	27 March 2022	2019/0057
EDMS File: 18/02/01			To be reviewed: March 2025	
Document Owner: Manager Parks & Waste Services			Review Frequency: Three Years	

1. The purpose of this policy is

This document sets out the Mildura Rural City Council's policy for the establishment, protection and management of vegetation situated on Council owned or managed property comprising:

- Residential streets, medians, roundabouts, carparks, tree bays and nature strips.
- Central Business Districts.
- Gardens, neighbourhood parks, sporting reserves, linear reserves and greenbelts.

2. Policy Statement

- To provide a consistent, sustainable approach to establishing, protecting and managing vegetation on Council property throughout the municipality.
- To reduce the instance of inappropriate plantings.
- To provide appropriate control and protection mechanisms for new plantings and vegetation under Council control.
- Reducing inappropriate or unauthorised removal of trees.
- To adopt and promote recognised best practice pruning and vegetation maintenance methods.

3. Principles

3.1 Tree Establishment

3.1.1 Tree Planting

Tree planting is undertaken by Council in urban streets each year for a number of reasons including:

- Increased amenity
- Increased biodiversity
- Increased habitat for native fauna
- Combat the Heat Island Effect
- Maintain the integrity of themed streets or avenues (where there is an existing tree species or planned species for a street or avenue)

- Provide shade for pedestrians and parked vehicles

3.1.2 Targeted planting

Trees are established within a wide range of areas including parks, reserves, central tree bays, medians and nature strips.

In developing its annual tree planting program, Council will focus on establishing new trees in areas where the largest number of vacant tree sites have been identified. This may include new residential subdivisions or existing residential streets, parks or reserves. In this way Council can focus its resources on establishing larger numbers of trees within smaller concentrated areas and improve establishment rates in a more cost effective manner.

When planting trees within nature strips, Council's aim is to establish at least one tree in front of each property and to ensure the right tree species is chosen in consideration of limitations associated with the planting site, including:

- Nature strip width
- Proximity to drive ways
- Property access requirements
- Overhead services
- Underground services
- Existing landscaping
- Proximity to intersections
- Building offset

Where space exists within a nature strip to establish more than one tree Council will plant additional trees at appropriate intervals.

3.1.4 Residents establishing trees on Council property

Residents must obtain approval from Council to establish any trees on Council land including nature strips and road reserves.

Where residents plan to supply and plant trees themselves, they will be subject to the same conditions as an individual request and will be required to contact Council to discuss and gain approval for the proposed works.

Council will not be responsible for the replacement or reimbursement for trees purchased by the resident that have failed are damaged or vandalised.

3.1.5 Unauthorised tree establishment

Council's aim is to establish tree species that are suited to the local environment and their planting location and to maintain the integrity of existing avenues or street themes. In order to ensure these aims are achieved, residents must ensure they contact Council to discuss tree planting requirements on Council land. Council will then work with the residents to achieve the best possible outcomes in accordance with this policy.

Council is constantly reviewing the suitability of plants and updating its plant data base. From time to time plants will be removed from the data base where they are no longer considered suitable or where there have been issues identified with a particular species.

In cases where a plant has been removed from the list of recommended plant species, Council may request removal of new plantings despite there being existing established plants of the same species on Council land. Therefore residents should not assume that plants already established on Council land are on the approved species list.

Where residents fail to gain approval from Council to establish trees on Council land and the plantings fail to meet Council's requirements, the resident may be notified to remove the plantings.

If the resident does not undertake the removal works within 14 days of notification, Council may remove the plants and charge the resident the associated costs.

3.1.6 Opposition to tree planting

The establishment of trees within urban streets can sometimes require Council to plant trees on Council land against the wishes of adjoining residents. Whilst the reason not to have a tree can vary substantially, Council must make a judgment regarding the benefits to the wider community over the individual resident.

Where trees are to be established within urban streets, the option for residents not to have a tree planted will only be considered where establishing the tree will cause a significant nuisance and will not include reasons such as:

- A need or desire by residents to park on the nature strip
- A dislike for the particular tree species
- Perceived ideas around limb failure
- Potential nuisance by way of leaf litter, bark or nut drop
- Potential shading of private property
- Perceived ideas around damage to underground services or property
- Conflict with landscaping design within the adjoining private property
- Potential blocking of advertising signage
- Potential blocking of future solar panel installation
- Perceived links to allergies

Where a residence has existing solar panels in place, an alternate tree planting location and species will be adopted to avoid overshadowing of solar panels.

Where a gap exists within an avenue of trees or a strong consistent planting theme is required to maintain neighborhood character or identity, trees will be planted to fill the gaps despite opposition from adjacent residents.

In all other instances a decision regarding planting will be made by the Parks and Gardens Coordinator or a delegated officer.

3.1.7 Plant Procurement

Council obtains trees from a range of sources including its own plant nursery. All tree planting material is to comply with AS 2303:2015 Tree stock for landscape use.

3.2 Tree Inspection and Maintenance

3.2.1 Risk Assessment Methodology

Council has adopted Quantified Tree Risk Assessment (QTRA) as its risk assessment methodology for trees.

QTRA quantifies the risk of significant harm from tree failure in a way that enables tree managers to balance safety with tree values and operate to predetermine limits of tolerance or acceptable risk.

By quantifying the risk from tree failure as a probability, QTRA enables a tree owner or manager to manage risk in accordance with widely applied and internationally recognised acceptable levels of risk.

Risk assessments where QTRA is to be applied may only be completed by trained and licensed QTRA users.

3.2.2 Tree Pruning and Removal

Because street trees provide considerable benefit to the broader community by way of improved amenity and reduction in the urban heat island effect, Council will not support individual requests to have trees removed, or subjected to additional pruning in order to:

- Reduce or eliminate leaf litter or other tree debris
- Reduce insect or bird activity
- Provide improved amenity to private property
- Improve television signals
- Preserve or create lines of sight to commercial signage
- Potential blocking of future solar panel installation
- Provide unnecessary access
- Alleviate concerns around limb failure or perceived risks to private property
- Perceived links to allergies

If in the opinion of the Parks Services Team Leader – Trees, the vegetation meets the following criteria, pruning or removal will not be permitted.

- Vegetation poses a low risk
- Vegetation is in reasonable to good condition
- Vegetation exhibits reasonable to good shape or form
- Vegetation is causing minimal nuisance to Council assets or public utilities
- Vegetation is causing minimal nuisance to the adjoining owner
- Other options are available i.e. installation of root barrier, removal of target, alternative access

The pruning or removal of vegetation will be considered if one or more of the following criteria exists.

- Fruit bearing trees cannot be efficiently managed
- Vegetation poses a significant public danger

- Significant damage is being caused to infrastructure including footpaths, curb, roads, public utilities or underground services
- Vegetation is dead or in an advanced state of decline
- Vegetation is an unsuitable species for under power lines
- Vegetation is a potential fire risk
- Vegetation is causing significant nuisance to the adjoining owner
- Vegetation is not suited to the location
- Vegetation exhibits poor shape or form and remedial pruning cannot rectify
- Vegetation significantly restricts views at intersections, rail crossings or when exiting driveways creating a risk to safety
- Access to property is unreasonably restricted
- A formal agreement is reached between council and the adjoining property owner to establish replacement vegetation that provides a significantly improved outcome such as greater number of trees, more appropriate species, and reduced long term risk to infrastructure
- Pruning will be considered if there is significant overshadowing of existing solar panels and the structure and integrity of the tree will not be compromised.

For residents living in urban environments, it is appropriate to expect that some degree of house exterior and grounds maintenance will be required in order to retain the aesthetic and environmental benefits of having trees in such an urban environment. In particular, it is reasonable to expect people living in such an environment might need to clean the gutters and the surrounds of their houses on a regular basis. The dropping of leaves, flowers, fruit, seeds or small elements of deadwood by urban trees ordinarily will not provide the basis for ordering removal of or intervention with an urban tree.

Where a tree is to be removed from a residential nature strip, if requested, Council may agree to wood generated from the works being taken by the immediate property owner on the provision that the timber is suitable for use and removed from the nature strip as soon as possible. Where the timber has not been removed by the agreed timeframe, Council will arrange for the collection of any timber from the nature strip. This clause will be determined on a case by case basis.

Where a tree is considered for pruning or removal it will be assessed against the above criteria and QTRA assessments by Council's Parks Services Team Leader – Trees or suitably qualified persons.

Where a tree poses an immediate risk to public safety the decision for pruning or removal can also be made by members of the Parks Services Tree Maintenance Team, Parks and Gardens Coordinator or Parks Services Emergency On-call Officer..

3.2.3 Tree Removal Authorisation

In all cases, where removal of a tree is planned it should be documented on a Tree Removal Authorisation Form (TRAF). The TRAF should include at least two photos, one being of the entire tree and one of the issue warranting the removal. The Parks Services Tree Maintenance Team are authorised to remove trees that are dead or pose an immediate risk to the public or property without written authority. In these cases a TRAF must be completed retrospectively to record works undertaken.

A TRAF is generally completed by the investigating officer as a result of a request from a resident, community member or developer. However a TRAF may also be completed by other internal Council staff where tree removal is being considered as part of proposed construction or maintenance works.

In all cases a request for tree removal must be investigated by Council's Parks Services Team Leader – Trees, who will provide justification for either retention of the tree or its removal via the TRAF. In making the assessment, the Parks Services Team Leader – Trees may engage an independent external arborist or other internal or external professionals for advice.

The TRAF shall then be forwarded to the Parks and Gardens Coordinator and Manager Parks and Waste Services for information or comment and approval pending the justification for removal.

Where tree removal may have significant impact on the community approval may be escalated to a higher level including General Manager Development, CEO or Councillors.

The outcome of the TRAF process will be communicated back to the customer by the Parks Services Team Leader – Trees.

Where it is suspected that a tree has been poisoned, that tree will be pruned to a reasonably safe state and/or height and retained as habitat.

3.2.4 Programmed Tree Inspection and Maintenance

Council undertakes programmed street tree maintenance within urban areas to individually assess the condition of each tree, and to undertake pruning to maintain required clearances for footpaths, roads and drive ways and to formative prune young trees.

Council has divided the urban areas of all townships into tree maintenance zones and progressively works through each zone.

Where a pruning need has been identified, works will be undertaken by Council's Tree Maintenance Team and recorded against the tree asset.

Where a defect has been identified, the tree is referred to Council's Parks Services Team Leader – Trees for further assessment. The

result of the assessment will then be managed in accordance with the pruning and removal process.

Council will notify residents within the maintenance zones via a letter drop prior to commencing works within the designated area.

3.2.5 Defect Inspection

Where a defect has been identified, the tree is referred to Council's Parks Services Team Leader – Trees for further assessment. The result of the assessment will then be managed in accordance with the pruning and removal process.

3.2.6 Condition Inspection

A condition inspection is undertaken by a qualified arborist often resulting from a defect inspection where a defect is believed to pose a risk to the community if un-actioned. The condition assessment will often result in a condition report that can be used to justify either retention of the tree or its removal.

3.2.7 Electric Line Clearance Pruning

The pruning of trees around overhead electrical lines is a necessity to ensure continued electricity supply and to prevent damage to assets as a result of trees contacting live wires.

Council is responsible for the maintenance of vegetation around overhead electrical wires in two declared areas.
These areas exist within parts of Mildura and Red Cliffs.

Outside of these declared areas the responsibility for maintenance of vegetation around overhead electric lines is the responsibility of the asset owner (Powercor).

In accordance with the Electric Line Clearance Regulations (2020), Council is responsible for preparing an annual vegetation management plan prior to 31 March each year.

The plan outlines the processes that are engaged by Council to ensure compliance with the Electric Line Clearance Regulations.

Council undertakes an annual audit within the declared areas to identify any vegetation that has encroached within the minimum clearance distances to overhead power lines. These trees are then assigned a clearance rating based on the species and rate of regrowth to determine the overall pruning clearance. In this way Council can regulate the required clearance for each individual tree instead of pruning all trees to the same degree. This reduces the impacts of pruning on both the health and amenity of the tree.

In accordance with requirements within the Electric Line Clearance Regulations, Council will notify residents of its intention to prune trees within the declared areas each year by placing an advertisement in the local media or via a letter drop.

3.2.8 Palm Tree Pruning

Council is responsible for a large number of palm trees of various species located on Council managed land. In order to preserve the natural appearance of palm trees and to reduce health effects from over pruning Council will only prune palm trees located in urban areas where:

- Dead fronds may fall and injure pedestrians
- Dead fronds may fall and damage passing or parked vehicles
- Seeds from palm trees are falling onto path ways and creating a tripping hazard or obstruction access for mobility impaired residents
- Dead fronds may blow onto adjacent overhead power lines

Where palm trees are located in semi-urban areas or rural roadsides, they will not be pruned, however dead fronds that have fallen will be collected periodically where there is a potential fire risk or access to properties is being unreasonably restricted.

3.2.9 Tree Bay Trees

Tree bays are often located within the centre of urban streets or within designated locations between parking bays in central business districts.

Tree bays are provided as additional locations for the establishment of trees in urban areas and are often used as a traffic calming device in residential streets. Trees are also planted in tree bays located with central business district to provide additional shade for parked vehicles and pedestrians and to improve the aesthetics of these areas.

Any request for removal of a tree bay tree is to be directed to the Parks Services Team Leader – Trees. Request for removal of a tree will be managed in accordance with the tree removal process.

Any request for the removal of a tree bay is to be directed to the Parks Services Team Leader – Trees. In considering the application for removal, the Parks Services Team Leader - Trees may engage Council's Engineering Services or Road Safety Officer for advice. Where the tree bay is not significantly impacting on the safety of road users it will be retained.

3.2.10 Significant Trees

Council has developed a significant tree register which identifies significant trees or groups of trees located on Council owned or managed land. These trees have been identified as significant for reasons including:

- Significant heritage value
- Rare or endangered species
- Unique to the local environment
- Historical significance

- Contribution to landscape
- Cultural significance
- Exhibits unusual appearance or shape
- Form part of a significant avenue or group

Many of these trees are protected under planning or heritage overlays and will be managed in the same manner as any other tree asset taking into consideration the reasons behind their significance and the requirement to obtain planning approval.

3.2.11 Stump Removal

Where a tree is removed by Council and the stump is to be removed at a later date, it shall be identified using marking paint. The stump will then be placed on a stump removal list and removed within 28 days.

3.2.12 Telecommunication Cables and Signals

Council often receives requests to prune vegetation clear of telecommunication service cables which is generally as a result of residents not being aware that these cables do not carry electricity. As there is no requirement for Council to maintain clearances around these cables, excessive pruning will not be undertaken.

Where Council receives requests to heavily prune or remove vegetation to improve television signals, the resident will be required to investigate other options as pruning or removal will not be considered in these cases.

3.2.13 Installation of Additional Driveway Crossover

Should vegetation require removal for the purpose of constructing a new or additional property access, the applicant must apply to Council in writing.

If removal is approved, a written agreement shall be sought in relation to replanting of the vegetation and on-going maintenance of the nature strip or road reserve. Approval for a driveway cannot be given until this process has been completed. Council will require the applicant to meet the cost of removal and replacement of any vegetation. Where re-establishment of vegetation cannot be met due to site restrictions, the applicant will still be required to meet the cost of off-set plantings which will be undertaken by the Parks Services Team at an alternative location.

3.3 Tree Root Management

Where a request is received in relation to a tree on Council managed land suspected of causing damage to property or infrastructure, a Tree Root Risk Assessment will be completed by Council's Parks Services Team Leader – Trees. The Tree Root Risk Assessment is to be completed and submitted to the Councils Governance and Risk team within 3 weeks of the initial request being received.

The Tree Root Risk Assessment utilises a tool to assign a final risk score to each situation. This risk score is determined by considering the trees structural root zone, proximity of the trunk to any damaged asset, presence of visual signs of root related damage in close proximity to the asset, the maturity of the tree and suitability of the species for the location. An additional criteria relating to soil reactivity is only considered if the first five criteria score highly.

Where the final score of the Tree Root Risk Assessment is above 16 Council must take action to mitigate the risk within 3 months. For a score between 10 and 16 further investigation may be required. This could include excavation with an air spade or hydrovac or the use of ground penetrating radar. For a score under 10 it is unlikely the tree is the cause and often no further action is required. In all cases the complainant must be responded to in writing detailing the outcome of the investigation and any proposed works including timeframes.

3.4 Pest and Disease

Most trees have natural defense mechanisms that protect them from minor infestations of pest and diseases. Where a pest or disease is present and is causing minimal impact on the trees condition or causing minimal nuisance to adjoining property owners, no action will be taken.

Where a pest or disease significantly impacts the health of the tree or is causing a significant nuisance, the infestation will be investigated by the Parks Services Team Leader – Trees or suitably qualified persons and suitable action taken to minimise the impacts on either the tree or the adjoining owner.

Where a tree is affected by termites yet exhibits good health and structural integrity, the tree shall be treated by a licensed pest controller and retained.

Where the structural integrity of a tree is affected, it will be managed in accordance with the tree removal process. In most cases the tree will be treated for termites prior to removal to minimise spreading of the pest to other targets.

Where bees are foraging or swarming around a flowering plant or tree, no action will be taken unless the swarm develops into a hive.

Where a bee hive develops, the Parks Services Team Leader – Trees or other Council officer may engage a pest controller to remove or treat the hive if in the view of the officer the hive presents an immediate risk to the public.

Where bees are located within other structures such as power poles or telecommunication pits, the issue will be referred to the relevant authority.

3.5 Consultation

Council recognises all community members as stakeholders in tree establishment and maintenance, and to ensure adequate levels of communication and consultation the following table has been developed.

Council also recognises community groups within the municipality that may have a direct interest in tree pruning, removal or establishment. As part of the consultation process these groups will be notified of any tree works that significantly affect their communities.

Consultation will be consistent with the Mildura Rural City Council Community Engagement Policy CP020.

Residents will be advised or consulted in advance as per the below table, except in instances where trees deemed to present immediate risk to members of the community and property require urgent attention.

Street trees - individual request from adjoining resident for minor tree pruning	Consult with adjoining resident via customer request system
Street tree/s - to be removed and replaced adjacent to single property	Consult with adjoining resident
Street tree/s - to be removed and replaced adjacent to multiple properties within a street	Consult with adjoining residents where trees are to be removed and notify affected residents
Street tree/s - to be pruned or removed affecting identity or character of entire street or neighborhood	Consult with all affected residents. Notify community interest groups
Programmed street tree pruning	Notify all residents within maintenance zone, consult with residents who respond to notification
Power line clearance program within declared areas	Notify affected residents via a notice published in a local newspaper and letter drop to residents in the area
Subdivision street tree planting and annual tree planting program - tree species pre-determined or themed street	Consult with the adjoining residents/business owner about the planting with the aim to encourage ownership and care of the planted tree
Subdivision street tree planting and annual tree planting program- tree species options available	Consult with the adjoining residents/business owner about the planting, including species selection, with the aim to encourage ownership and care of the planted tree
Removal of significant tree – tree listed on Council's Significant Tree Register	Check planning overlay's and gain necessary permits. Notify affected residents. Notify community interest groups
Project tree planting	Consult with all affected residents where there is an opportunity to have input into tree species. Notify community interest groups
Planting of trees within parks and reserves	No consultation required
Establishment of trees within CBD or tree bays to maintain adopted themes in accordance with Urban Tree Strategy or CBD plans	No consultation required
Development of new tree establishment strategies or projects within parks and reserves	Consult with affected residents and community interest groups. Engage Community Development Officers

3.6 Standards and Qualifications

Council engages both its own internal Tree Maintenance Team and external Tree Maintenance contractors to undertake tree pruning and removal.

In order to minimise the impact of pruning on trees, all pruning will be completed in accordance with AS 4373:2007 Pruning of amenity trees.

The pruning and removal of trees and roadside vegetation on Council managed land will be undertaken by suitably qualified staff.

For maintenance of small trees (mature height less than 5 meters) and shrubs, staff will be required to hold a Certificate II Horticulture including a unit related to pruning shrubs and small trees.

Senior staff working as part of Council's Tree Maintenance Team must have successfully completed Certificate III Horticulture (Arboriculture).

On occasions where staff are being trained and do not hold the appropriate qualifications, they may carry out pruning under the direct supervision of staff who have successfully completed the relevant certificates.

In order to complete tree risk assessments and/or prepare tree reports the inspecting officer must have successfully completed the Diploma of Arboriculture including the units Assess Trees and Prepare Reports.

3.7 Tree Protection

Where development is to occur adjacent to or on Council Land where vegetation exists, the requirements contained within Australian Standard "Protection of trees on development sites" AS 4970-2009 shall apply.

3.8 Bushfire Mitigation

Council's Bushfire Mitigation Plan aims to mitigate the risk of bushfire to seven townships within the municipality, predominantly along the Mallee track. Townships detailed within the Plan are considered most at risk to a bushfire.

Implementation of this policy will not compromise any actions or recommendations documented in the Bushfire Mitigation Plan.

4 Who is responsible for implementing this policy?

Manager Parks and Waste Services
Parks and Gardens Coordinator
Parks Services Team Leader – Trees

5 Definitions

Vegetation	Means any tree, shrub or groundcover including naturally occurring individuals or communities
Remnant Vegetation	Includes all indigenous vegetation on any Council property that is under Council management on urban or rural roadsides
Avenue	Means a continuous planting of one or several plant species
Pruning	Means to cut branches, twigs and roots
Dead Vegetation	Means a plant that is no longer capable of photosynthesizing and cannot produce new growth
Significant Tree (Not Listed)	Locally significant tree not listed by the MRCC Planning Scheme or the National Trust
Significant Tree (Listed)	Significant tree listed by the MRCC Planning Scheme and/or the National Trust

6 Legislation and other references

6.7 Legislation

For further information related to this policy see:

- Electricity Safety (Electric Line Clearance) Regulations 2020
- Code of Practice for Electric Line Clearance
- Environment Protection and Biodiversity Conservation Act 1999 (Cth)
- Planning and Environment Act 1987 (Vic)
- Heritage Act 2018 (Vic)
- Aboriginal Heritage Act 2006 (Vic)
- Mildura Planning Scheme (Vic)
- Community and Council Plan 2017-2021 (or as updated)
- Local Law 2
-

6.8 Documents

This Policy is implemented in conjunction with the following documents:

- AS 4373:2007 Pruning of amenity trees
- AS 4970:2009 Protection of trees on development sites
- AS 2303:2015 Tree stock for landscape use
- MAV Insurance Tree Root Risk Assessment Tool
- OP199 – Roundabout Landscaping Policy

- MRCC Urban Tree Strategy 2021-2026
- MRCC Significant Tree Register 2020
- MRCC Urban Nature Strip Policy CP068, April 2021
- MRCC Urban Nature Strip Guidelines 2021
- MRCC Land Manager's Consent Policy CP061
- MRCC Roundabout Landscaping Policy OP199
- MRCC Public Open Space Strategy 2021
- MAV Tree Root Assessment Tool
- National Trust Australia (2022) Heritage Register Online (Vic)
- National Trust Australia (Victoria) 2008, Register of Significant Trees
- Source doc for the Quantified Tree Risk Assessment System
- Mildura Urban Forest Strategy (under development)

6.9 Risk Assessment Reference

Please tick the corporate risk(s) that this policy is addressing.

Risk Category	✓	Risk Category	✓
Asset Management	✓	Financial Sustainability	
Committees		Human Resource Management	
Compliance – Legal & Regulatory	✓	Leadership & Organisational Culture	
Contract Management		Occupational Health & Safety	
Contract Tendering & Procurement		Organisational Risk Management	
Corporate Governance		Project Management	
Environmental Sustainability	✓	Public Image and Reputation	✓

14.12 ENGINEERING STANDARD DRAWINGS

File Number: 14/02/01

Officer: Acting General Manager Development

1. Summary

The purpose of this report is to seek approval from Council to adopt the revised engineering standard drawings 2022 for building roads and civil infrastructure within the Mildura Rural City Council.

2. Recommendation

That Council:

- (i) endorse the revised Engineering Standard Drawings as presented, and;**
- (ii) endorse the process for amending the engineering standard drawings in future**

3. Background

Engineering standard drawings provide the detailed information about how to design, construct or reinstate Council assets, including, sizes, dimensions, reinforcement details, connection details, materials and construction standards.

The standards were last revised in March 2009 and it is now timely to undertake a review to meet the current industry standards and engineering best practice guidelines. Technology advancements, innovations in the industry, improved safety measures and customer requirements are a number of other triggers for the revision being undertaken.

4. Consultation Proposed/Undertaken

Key internal and external stakeholders were consulted including developers, designers and contractors, in the process of this revision.

These standard drawings need to be updated from time to time. Any minor amendments to the plans that are administrative in nature and that does not change the standard of infrastructure will be attended to as required and will not involve any council consideration and approval. However, any major changes will go back through a formal process for consultation and council adoption. The plan set will be reviewed (at a minimum) every two years.

5. Discussion

The main purpose of having the Engineering standard drawings is to provide typical standard details and adopt best practices for building roads and civil infrastructure within the municipality. Plans and associated details were prepared in consultation with both internal and external stakeholders and they comply with best industry standards and practices. Further, these drawings will help to streamline and develop more consistency amongst design requirements for designers and developers working within the municipality.

6. Time Frame

Once Council passes a resolution with respect to this matter, the final plan set will be implemented with immediate effect and will be made available on Council's website for reference purposes.

7. Strategic Plan Links

This report relates to the Council Plan 2021-2025 in the Strategic Direction:

Community

Outcome to be achieved:

- A community where people feel safe.

Place

Outcomes to be achieved:

- Sustainable infrastructure that meets the current and future community needs.
- A transport network that is fit for purpose.

8. Asset Management Policy/Plan Alignment

There are positive asset management implications associated with this report as it reduces the amount of rework, council's ongoing maintenance and inspection costs.

9. Implications

Policy

There are no Council policies impacted by this report.

Legal/Statutory

There are no legal implications relating to this report.

Financial

There are no financial implications relating to this report.

Environmental

There are no environmental implications relating to this report.

Social

There will be greater consistency in constructing the council assets.

Economic

The implementation of standard drawings for designing and construction of works will reduce the amount of rework and ongoing maintenance cost on our assets.

10. Risk Assessment

By adopting the recommendation, Council will be exposed to the following risks:

Risks	Controls	Residual Risk
Council receives complaints on not being aware of the changes made to the standard drawings.	The changes were made through a consultation process and will be widely circulated to all stakeholders and will be made available on the council website.	Low

11. Conflicts of Interest

No conflicts of interest were declared during the preparation of this report.

Attachments

1 [↓](#) Standard Drawings



Mildura Rural City Council

108 - 116 Madden Avenue Mildura, Vic. 3500

Ph: (03) 5018 8100

ENGINEERING SERVICES STANDARD DRAWINGS

2022 REVISION

FINAL DRAFT

DRAINAGE

- MSD-100 TYPICAL PRECAST STORMWATER JUNCTION PITS
- MSD-101 TYPICAL STORMWATER PITS JUNCTION PIT.
- MSD-102 TYPICAL STORMWATER PIT SIDE ENTRY
- MSD-103 DRIVEWAY CULVERT ENDWALLS (TYPE 1)
- MSD-104 RURAL DRIVEWAY CULVERT
- MSD-110 STORMWATER CONNECTION TO MAIN DRAIN
- MSD-111 HOUSE DRAIN CONNECTIONS TO KERB
- MSD-120 TYPICAL SUBSURFACE DRAIN SECTIONS
- MSD-121 GUIDE TO DISCONNECTION SUB-SOIL DRAINS WHERE REQUIRED, FOR PLANNING, SUBDIVISION, OR BUILDING APPROVAL.
- MSD-130 PIPE BACKFILL DETAILS ROAD PAVEMENT AND LANDSCAPED AREAS
- MSD-140 TYPICAL TABLE DRAIN AND CATCH DRAIN DETAILS
- MSD-150 DRAINAGE BASIN AND PUMPING SYSTEM LAYOUT PLAN
- MSD-151 DRAINAGE BASIN AND PUMPING SYSTEM SECTION AND DETAILS

ROAD CROSS SECTIONS AND DETAILS

- MSD-200 RURAL COLLECTOR ROAD
- MSD-210 TYPICAL SECTION OF JOINT USE TRENCH COMMUNICATIONS AND POWER (ST1)
- MSD-211 TYPICAL SECTION OF JOINT USE TRENCH GAS & WATER (ST2)
- MSD-220 LOW DENSITY DRIVEWAYS

CONCRETE CONSTRUCTION

- MSD-300 TYPICAL KERB PROFILES
- MSD-301 TYPICAL CHANNEL AND SPIKE KERB PROFILES
- MSD-310 DRIVEWAY DETAILS / FOOTPATH AT PROPERTY BOUNDARY, BARRIER KERB AND CHANNEL.
- MSD-311 DRIVEWAY DETAILS / FOOTPATH AT PROPERTY BOUNDARY, MOUNTABLE KERB AND CHANNEL

ADDITIONAL CONSTRUCTION FEATURES

- MSD-400 STANDARD STREET SIGN DETAILS
- MSD-410 TYPICAL BUS STOP ARRANGEMENT
- MSD-411 BUS STOP SLAB ABUTTING EXISTING KERB AND CHANNEL/FOOTPATH TYPICAL SECTION
- MSD-412 BUS STOP SLAB DETAILS
- MSD-420 STANDARD BUS SHELTER RELOCATABLE TYPE STEEL-FRAMED AND COLOURBOND CLAD
- MSD-421 STANDARD SPORTING SHELTER – RELOCATABLE TYPE STEEL-FRAMED AND COLOURBOND CLAD


FOOTPATH

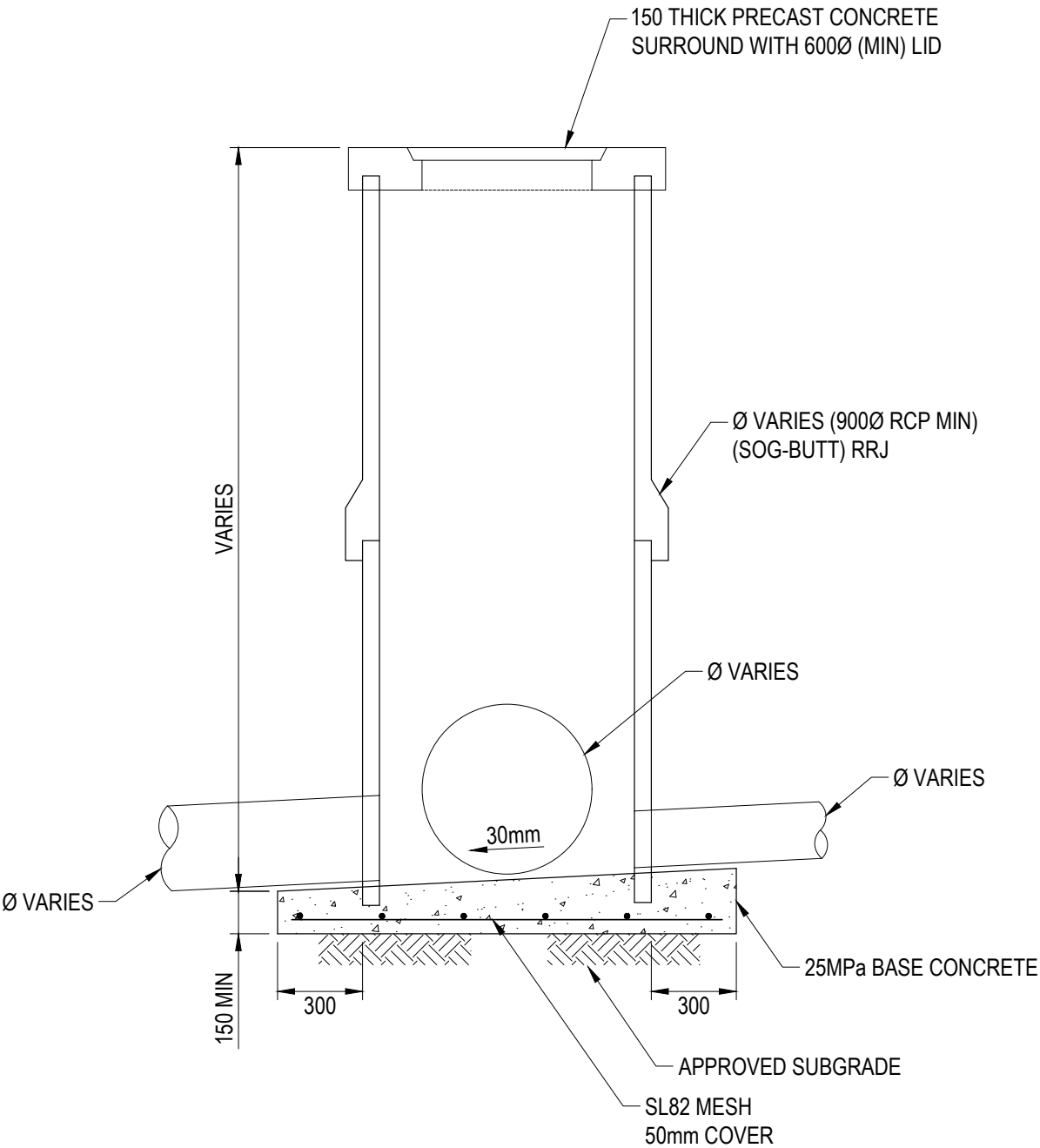
- MSD-500 STANDARD SUBDIVISION PEDESTRIAN FOOTPATH DETAILS
- MSD-501 ASPHALT FOOTPATH
- MSD-510 FOOTPATH INTERSECTION WITH STANDARD BARRIER KERB AND CHANNEL
- MSD-511 FOOTPATH INTERSECTION WITH STANDARD SEMI MOUNTABLE KERB AND CHANNEL

NOTES

- MSD-900 GENERAL NOTES
- MSD-901 CIVIL NOTES
- MSD-902 CONCRETE NOTES


FINAL DRAFT

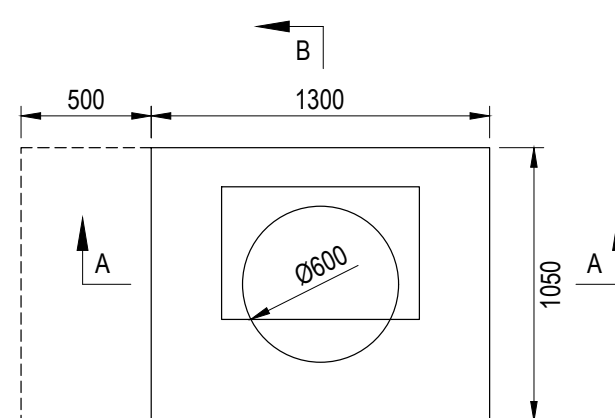
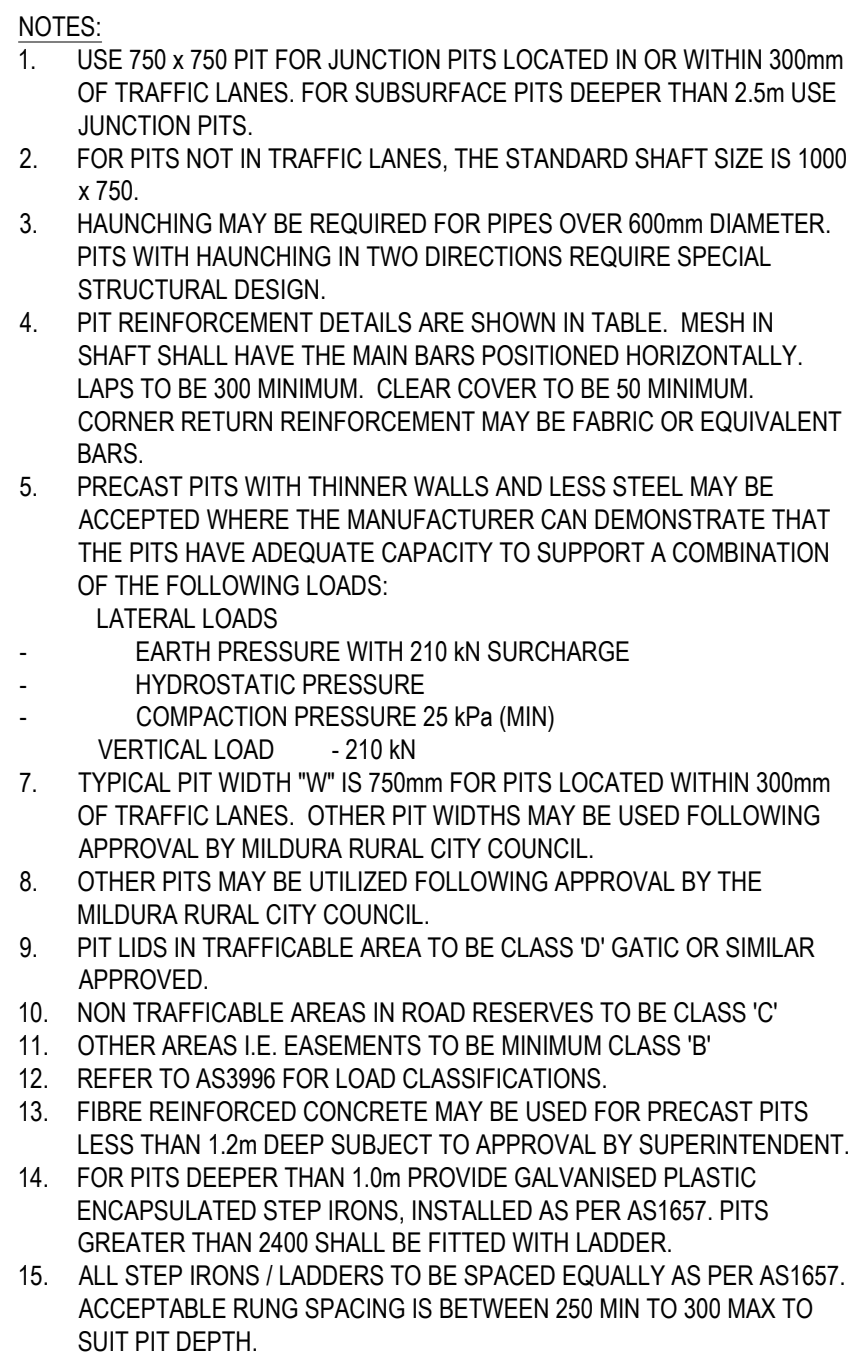
<div></div> <div>Mildura Rural City Council</div> <div>108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</div>			INDEX OF STANDARD DRAWINGS		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-050



- NOTES:
- 1. ALL DIMENSIONS ARE IN MILLIMETRES.
 - 2. FOR PITS NOT IN TRAFFIC LANES, THE STANDARD SHAFT SIZE IS MIN. 900Ø.
 - 3. PIT LIDS IN TRAFFICABLE AREA TO BE CLASS 'D' GATIC OR SIMILAR APPROVED.
 - 5. NON TRAFFICABLE AREAS TO BE CLASS 'C'
 - 5. OTHER PITS MAY BE UTILISED FOLLOWING APPROVAL BY THE MILDURA RURAL CITY COUNCIL.
 - 6. REFER TO AS3996 FOR LOAD CLASSIFICATIONS.
 - 7. FOR PITS DEEPER THAN 1.0m PROVIDE GALVANISED PLASTIC ENCAPSULATED STEP IRONS, INSTALLED AS PER AS1657. PITS GREATER THAN 2400 SHALL BE FITTED WITH LADDER.
 - 8. ALL STEP IRONS / LADDERS TO BE SPACED EQUALLY AS PER AS1657. ACCEPTABLE RUNG SPACING IS BETWEEN 250 MIN TO 300 MAX TO SUIT PIT DEPTH.

FINAL DRAFT

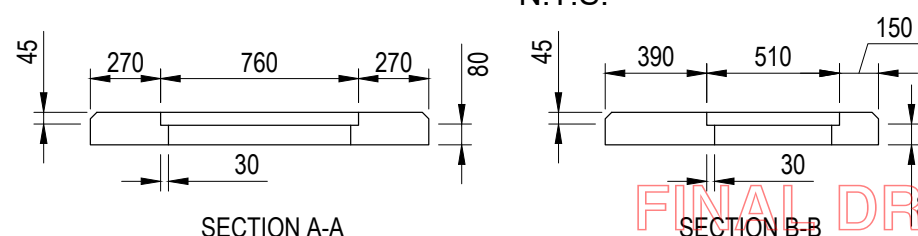
<div><div>Mildura Rural City Council</div><div>108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</div></div>			TYPICAL PRECAST STORMWATER JUNCTION PIT		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-100




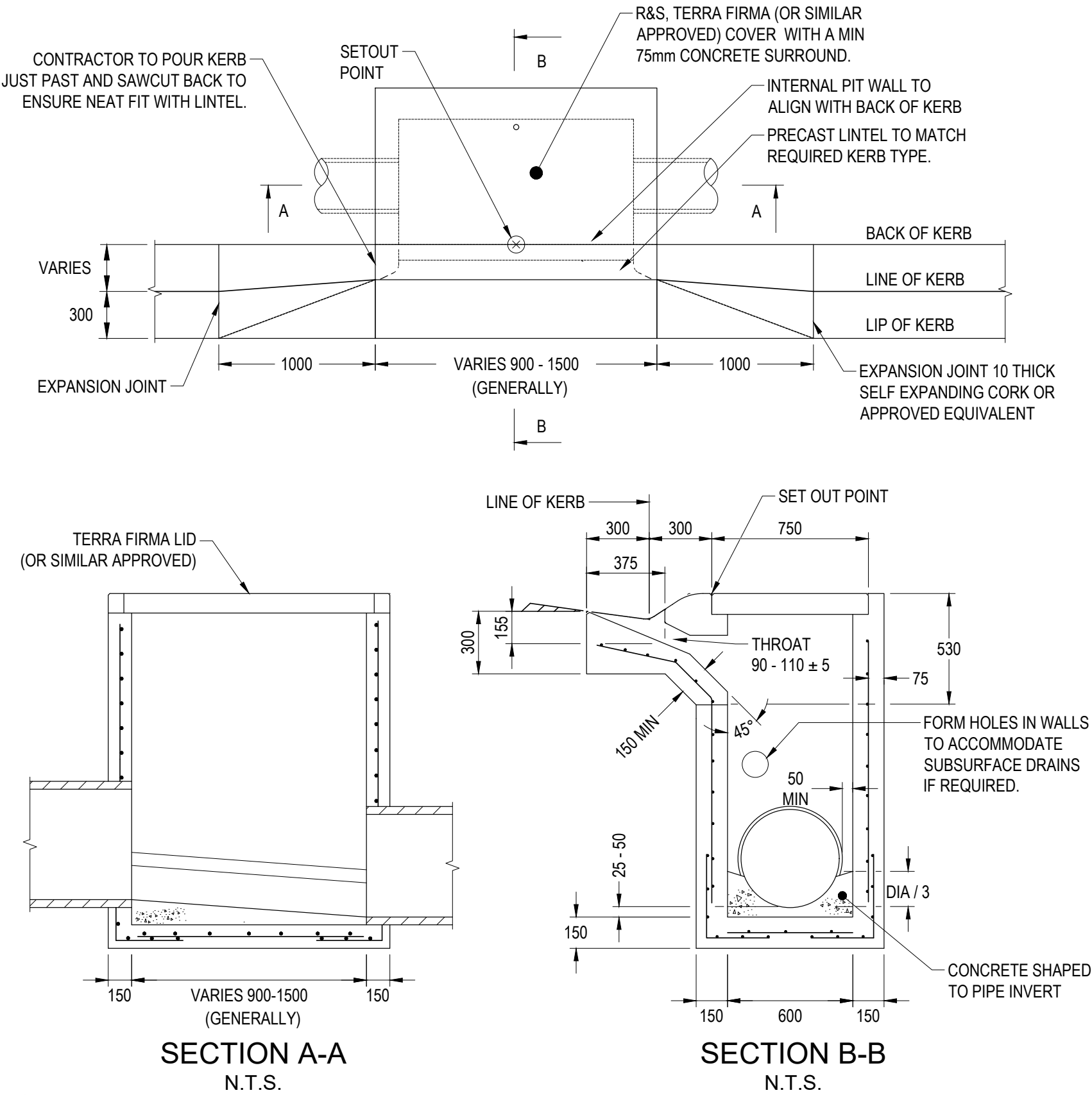
TYPE 3 & 4 PIT LIDS
N.T.S.

REINFORCEMENT DETAILS	
PIT LENGTH "L"	REINFORCEMENT
UP TO 1200	SL92
1201 TO 1800	SL918
1801 TO 2400	SL1218


ALL MEASUREMENTS IN MILLIMETRES U.N.O.

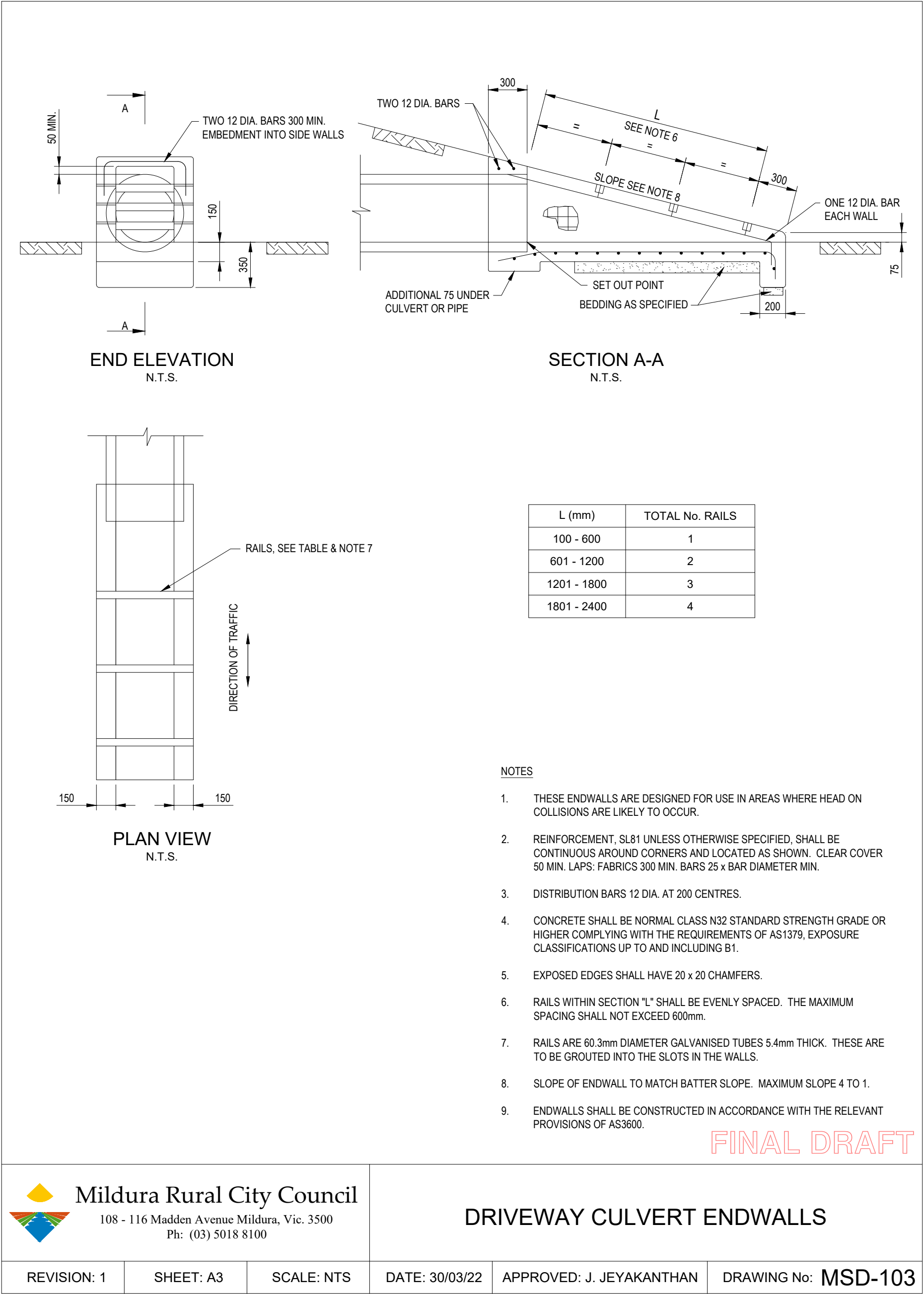


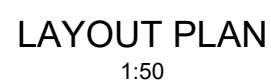
 <p>Mildura Rural City Council 108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</p>			<p>TYPICAL STORMWATER PITS JUNCTION PIT</p>		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-101



- NOTES:**
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
 - HAUNCHING MAY BE REQUIRED FOR PIPES OVER 450 DIA, REFER TO PIT SCHEDULE FOR SIZES OF SPECIFIC PITS. PITS WITH HAUNCHING IN TWO DIRECTIONS REQUIRE SPECIAL STRUCTURAL DESIGN.
 - PIT REINFORCEMENT - SL1218. FABRIC IN SHAFT SHALL HAVE THE MAIN BARS POSITIONED HORIZONTALLY. LAPS TO BE 300 MINIMUM. CLEAR COVER TO BE 50 MINIMUM. CORNER RETURN REINFORCEMENT MAY BE MESH OR EQUIVALENT BARS.
 - PITS DEEPER THAN 1000 SHALL BE FITTED WITH PVC COATED STEP IRONS. PITS GREATER THAN 2400 SHALL BE FITTED WITH LADDER.
 - IF FINAL PAVEMENT LAYERS ARE DEFERRED, PROVISION SHALL BE MADE FOR WATER TO ENTER THE PIT.
 - FOR PITS DEEPER THAN 1000mm DEEP PROVIDE PLASTIC ENCAPSULATED STEP IRONS, INSTALLED AS PER AS1657
 - PRECAST PITS WITH THINNER WALLS AND LESS STEEL MAY BE ACCEPTED WHERE THE MANUFACTURER CAN DEMONSTRATE THAT THE PITS HAVE ADEQUATE CAPACITY TO SUPPORT A COMBINATION OF THE FOLLOWING LOADS: LATERAL LOADS - EARTH PRESSURE WITH 210 kN SURCHARGE
 - HYDROSTATIC PRESSURE
 - COMPACTION PRESSURE 25 kPa (MIN)VERTICAL LOAD - 210 kN, APPLIED EITHER ON THE COVER OR ON THE PAVEMENT ADJACENT TO THE PIT.
 - COVERS AND LINTELS ARE REQUIRED TO SUPPORT A TEST LOAD OF 100 kN WITHOUT PERMANENT DEFORMATION OR DAMAGE. IN AREAS SUBJECT TO TRUCK LOADING, USE HEAVY DUTY COVER(210 kN)
 - COVERS SHALL BE R&S, TERRA FIRMA (OR SIMILAR APPROVED) WITH COLOUR TO SUIT ADJACENT SURFACE (i.e. GREEN FOR NATURESTRIPS, GREY FOR CONCRETE, CHARCOAL FOR ASPHALT)

<div><div>Mildura Rural City Council 108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</div></div>			<div>TYPICAL STORMWATER PIT SIDE ENTRY</div>		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-102





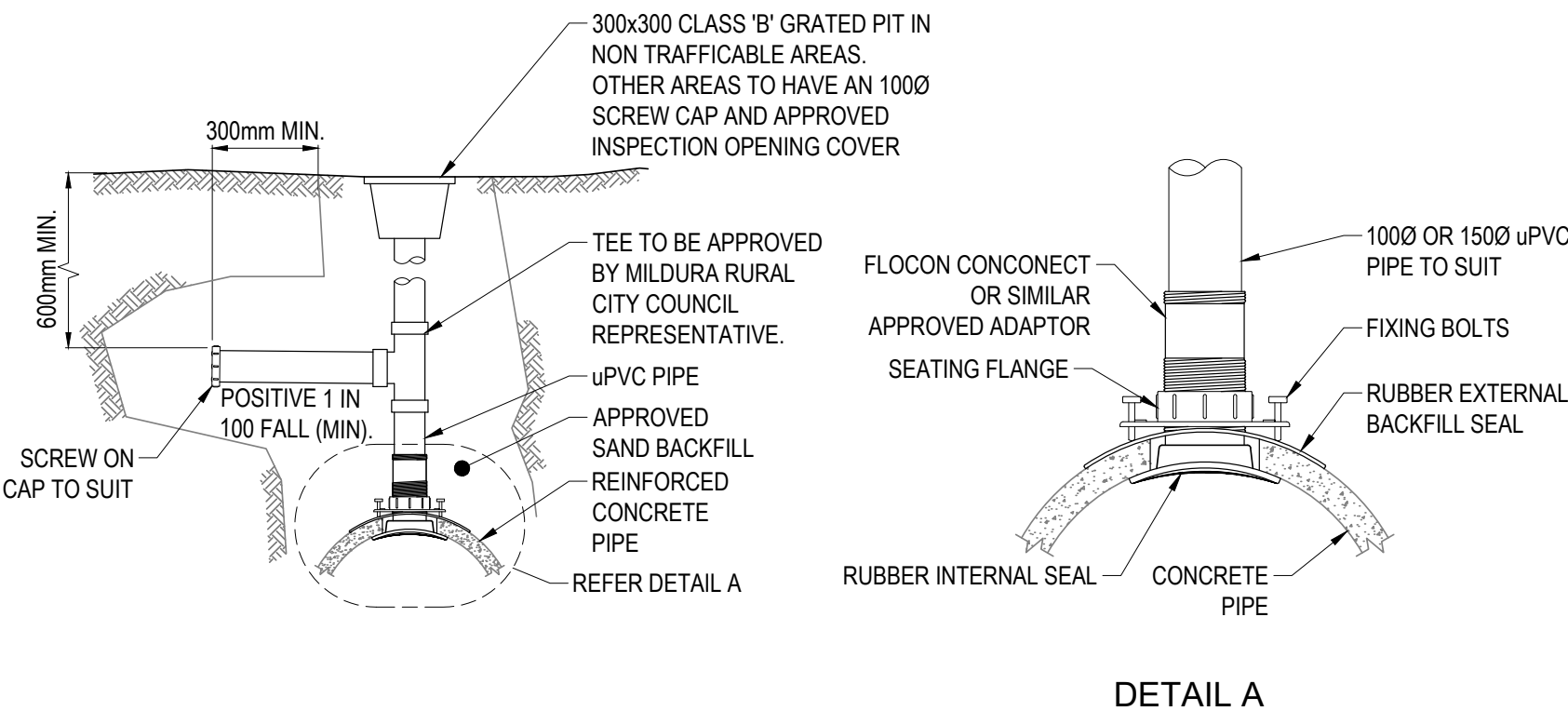
1. THE CONSTRUCTION AND MAINTENANCE OF THE CULVERT DRIVEWAY ENTRANCE IS ENTIRELY THE RESPONSIBILITY OF THE LANDOWNER.
2. CROSSINGS ARE NOT TO BE LOCATED WITHIN 9m FROM THE BUILDING LINE OF A ROAD INTERSECTION.
3. ENTRANCES SHOULD BE LOCATED TO ENABLE ADEQUATE SIGHT DISTANCE TO VEHICLES TRAVELING ALONG THE ADJOINING ROADWAY.
4. PIPES SHOULD BE PLACED NO CLOSER THAN 4m TO THE EDGE OF SEAL.
5. APPROVAL IS REQUIRED FOR CONSTRUCTION OF MORE THAN ONE CROSSING PER LOT.

FINAL DRAFT

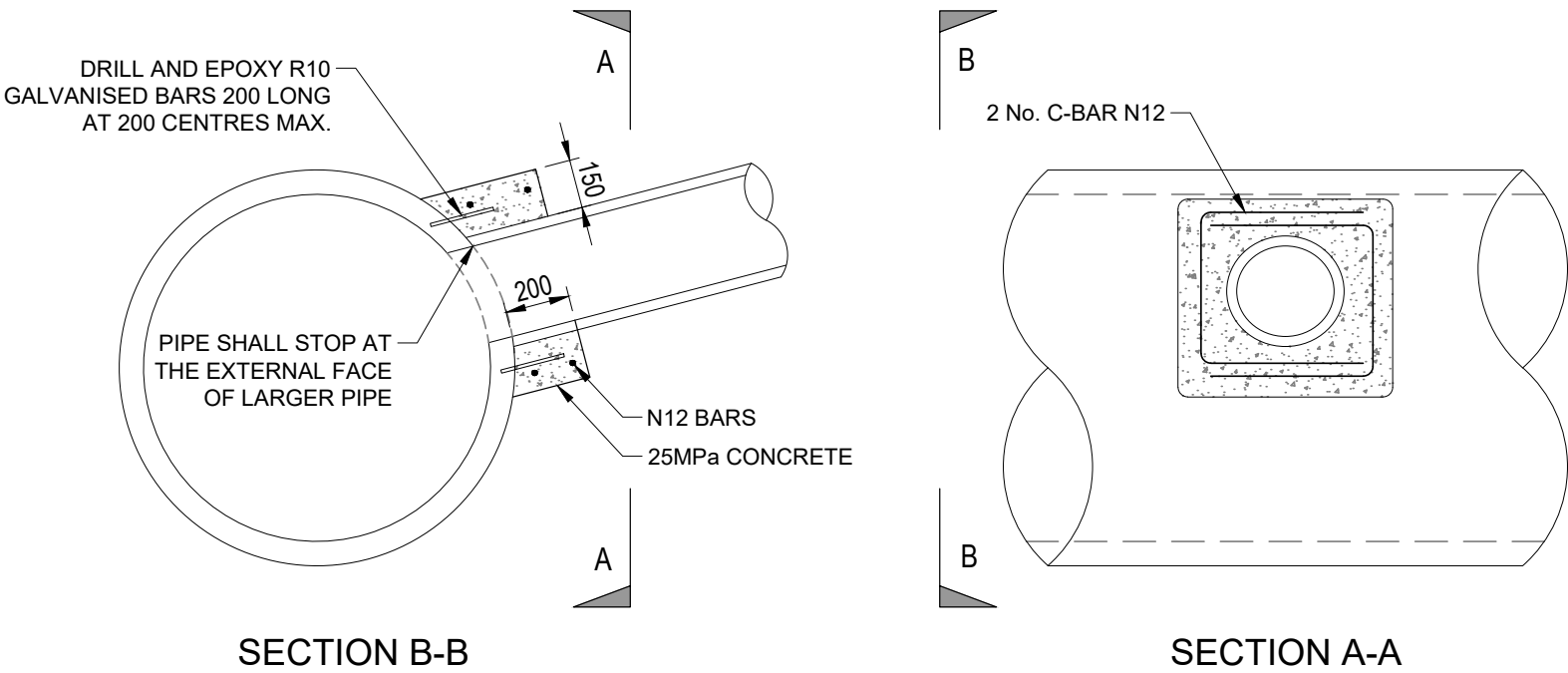


RURAL DRIVEWAY CULVERT

REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-104
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uPVC CONNECTION
N.T.S.

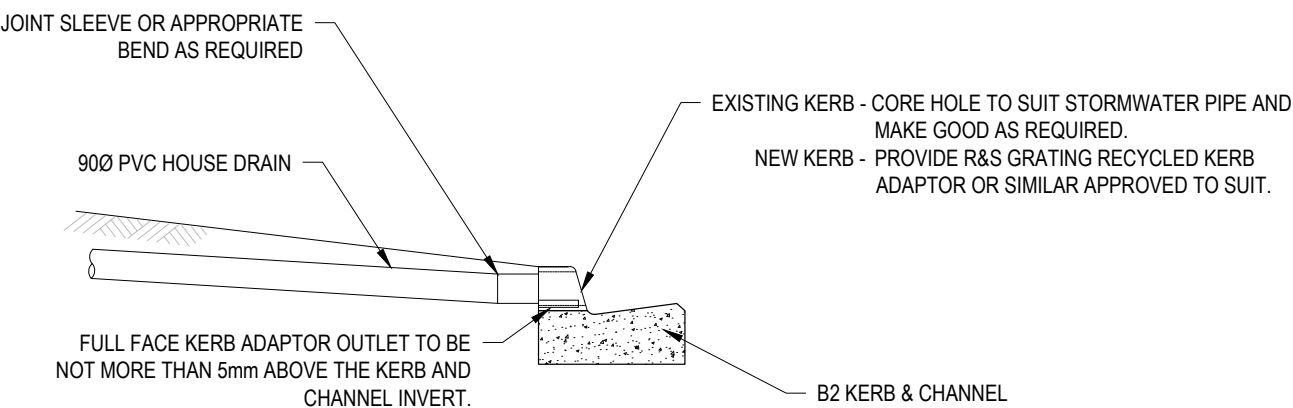


RCP CONNECTION
N.T.S.

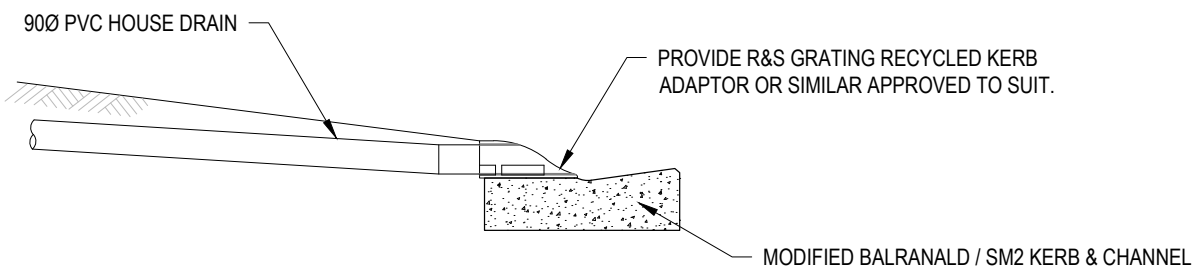
- GENERAL NOTES:
1. ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE
 2. FOR CONNECTING TO PIPES 300 - 2100 DIA
 3. CONNECTING PIPE TO BE A MAX $\frac{1}{3}$ DIA OF MAIN PIPE OTHERWISE A JUNCTION PIT IS REQUIRED.

FINAL DRAFT

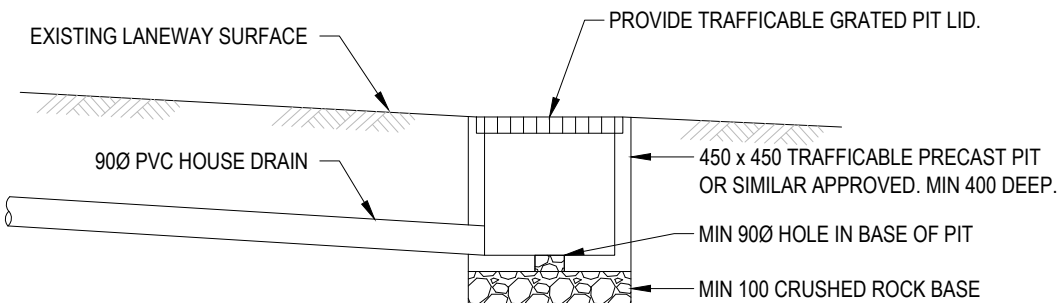
<div><div>Mildura Rural City Council 108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</div></div>			STORMWATER CONNECTION TO MAIN DRAIN		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-110



CONNECTION OF 900mm HOUSE DRAIN
TO B2 KERB PROFILE
1:20




CONNECTION OF 900mm HOUSE DRAIN
TO SM2 KERB PROFILE
1:20

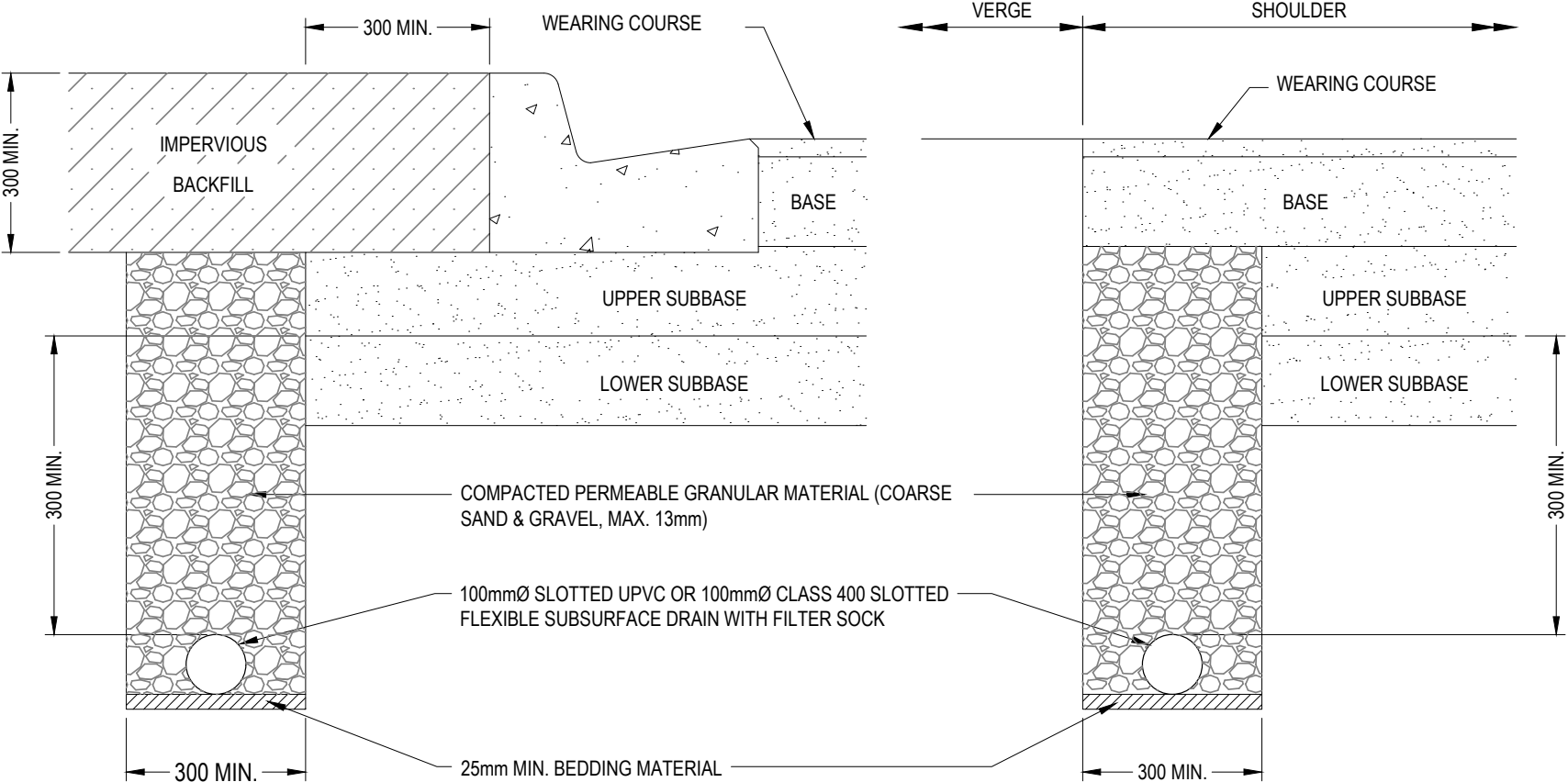


CONNECTION OF 900mm HOUSE DRAIN
TO LANEWAY
1:20

- GENERAL NOTES
- HOUSE DRAINS SHOULD HAVE POSITIVE FALL TO OUTLET.
 - ANY OTHER ALTERNATIVES SHOULD BE APPROVED BY COUNCIL.
 - MEASUREMENTS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.

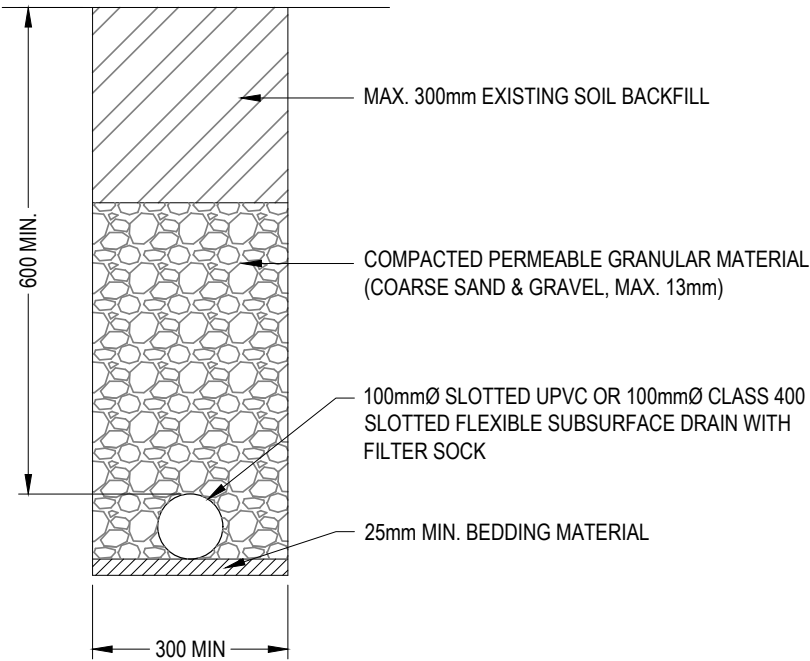
FINAL DRAFT

<div></div> <div><div>Mildura Rural City Council</div><div>108 - 116 Madden Avenue Mildura, Vic. 3500</div><div>Ph: (03) 5018 8100</div></div>			HOUSE DRAIN CONNECTIONS TO KERB		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-111

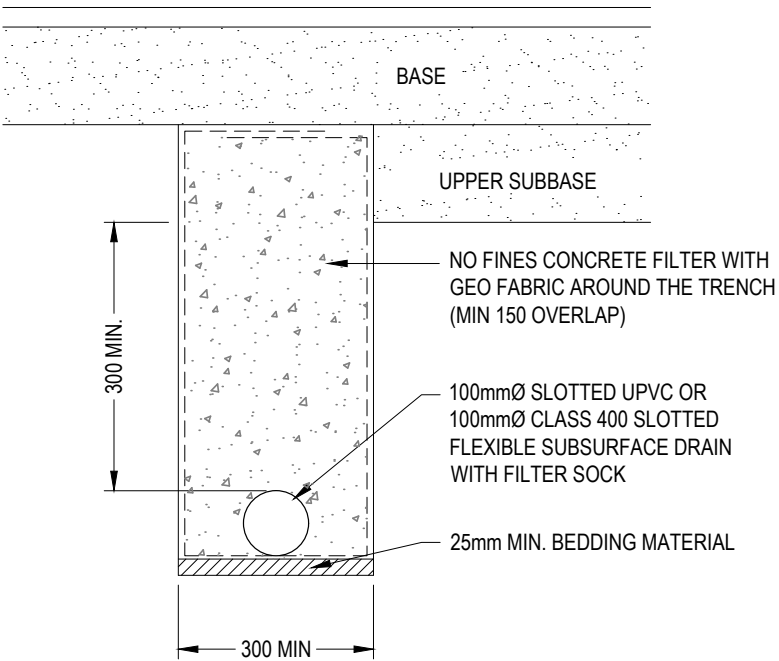


BEHIND KERB & CHANNEL
ON NEW ROADS

UNDER FULL WIDTH
FULL DEPTH PAVEMENT

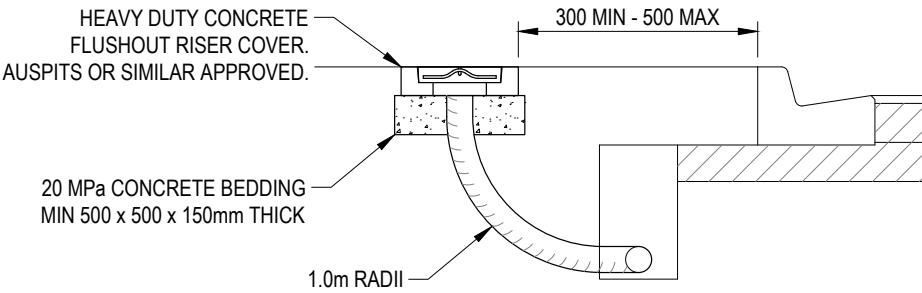


WITHIN PROPERTY



PAVEMENT DRAIN

- GENERAL NOTES:
1. ALL DIMENSIONS IN MILLIMETRES UNLESS NOTED OTHERWISE
 2. THE DRAINS SHALL BE LAID ON A GRADE PARALLEL TO THE FINISHED SURFACE.
 3. FLUSHOUT RISERS TO BE PROVIDED AT THE START OF A RUN.
 4. SUBSOIL DRAINAGE PIPE SHALL BE SLOTTED uPVC OR PERFORATED, RIBBED HDPE TO AS2439.1
 5. MINIMUM LONGITUDINAL GRADES FOR PIPES SHALL BE: RIBBED HDPE - 1.5%, uPVC PIPE - 1%.
 6. uPVC PIPE AND FITTINGS SHALL BE MIN CLASS 12



FLUSHOUT RISER DETAIL

FINAL DRAFT


<div><div><div>Mildura Rural City Council</div><div>108 - 116 Madden Avenue Mildura, Vic. 3500</div><div>Ph: (03) 5018 8100</div></div></div>			TYPICAL SUBSURFACE DRAIN SECTIONS		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-120

Diagram illustrating the proposed diversion of a drain from a road reserve to a lot. The diagram shows a road reserve at the top, followed by a horizontal line representing the FMIT drain. Below this, a vertical line indicates the fall of land. A dashed line represents the existing sub-soil drain, and a solid line represents the new diversion drain. The area to be subdivided is labeled LOT 1. The location to block the existing drain is marked with an 'X'.

ROAD RESERVE

FMIT DRAIN

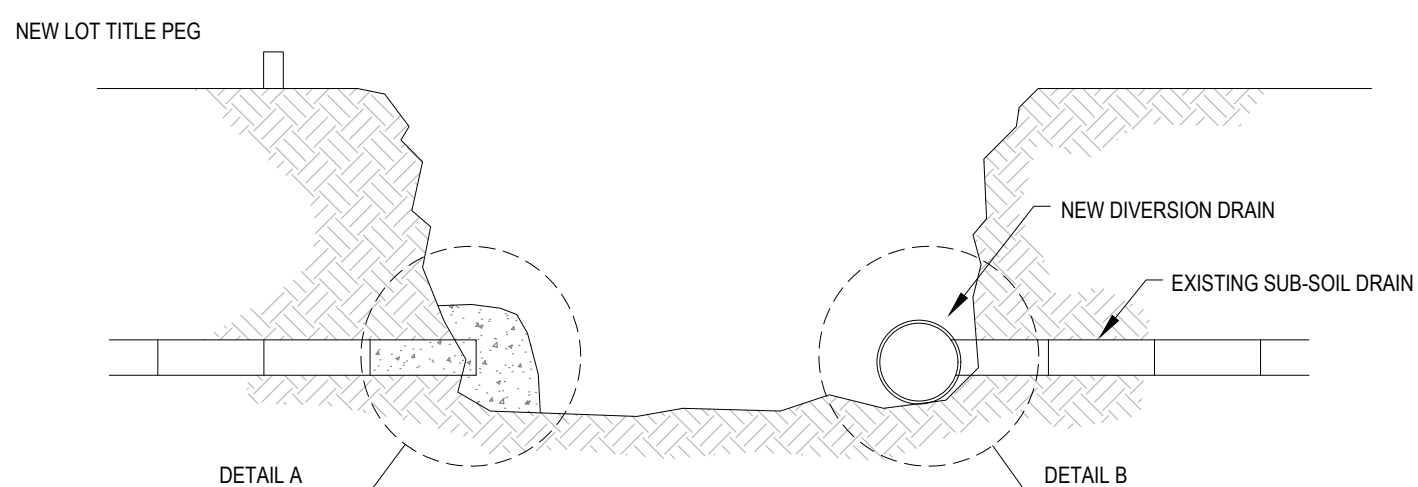
LOT 1

FALL OF LAND

Legend:

- EXISTING SUB-SOIL DRAINS
- NEW DIVERSION DRAIN
- X LOCATION TO BLOCK EXISTING DRAIN
- LOT 1 LOTS TO BE SUBDIVIDED

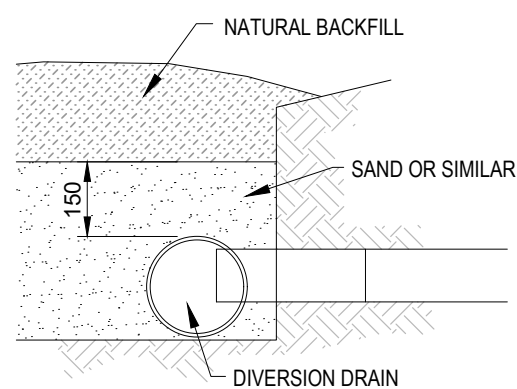
N.T.S.



N.T.S.

A cross-sectional diagram of a concrete pipe installation. The pipe is shown as a horizontal cylinder. The area to the left of the pipe is labeled 'SOLID GROUND'. The area to the right of the pipe is labeled 'EXCAVATION'. The pipe itself is labeled 'CONCRETE ONE FULL PIPE'. A black dot inside the pipe is labeled 'MASS CONCRETE'.

N.T.S.



N.T.S.

1. ALL NECESSARY ALTERATIONS TO SUBSOIL DRAINS MUST BE INSPECTED BY COUNCIL, OR WHERE APPLICABLE THE RELEVANT WATER AUTHORITY.
2. WHERE THE SUBDIVIDER BELIEVES THAT NO DRAINS ARE IN EXISTENCE, COUNCIL MAY REQUEST A TRIAL TRENCH BE DUG TO VERIFY THE ABSENCE OF DRAINS.
3. APPROVED MATERIAL FOR DIVERSION DRAINS IS SOLID P.V.C. PLEASE NOTE THAT CLAY PIPES OR SLOTTED PVC IS NOT APPROVED.
4. DETAIL 'A' IS THE ONLY APPROVED METHOD OF PIPE PLUGGING. GLASS BOTTLES, ETC. ARE NOT TO BE USED.

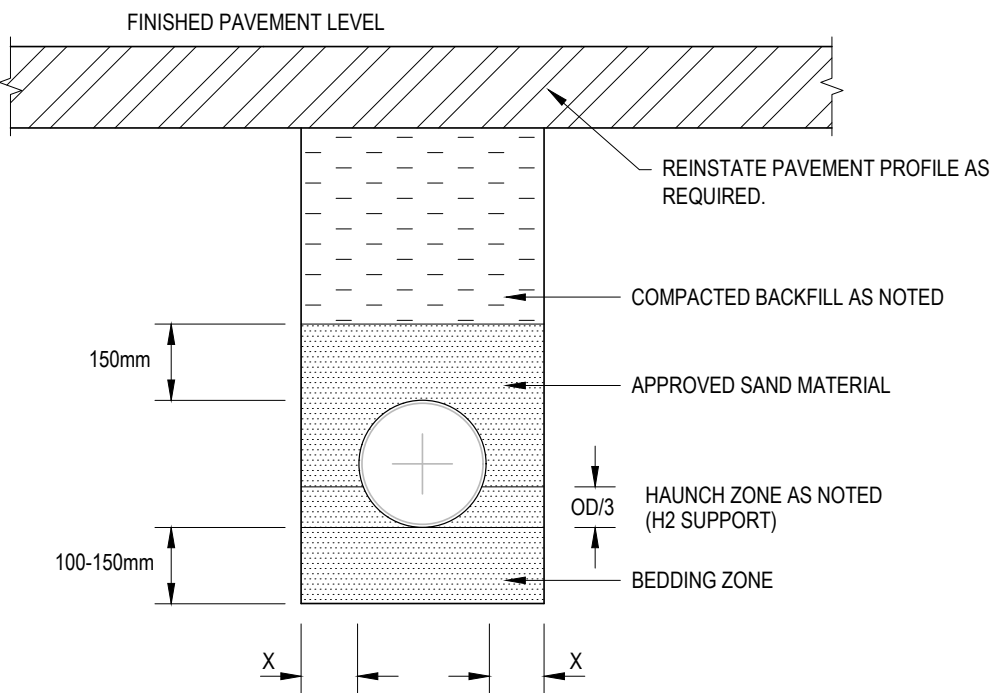
FINAL DRAFT



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Ph: (03) 5018 8100

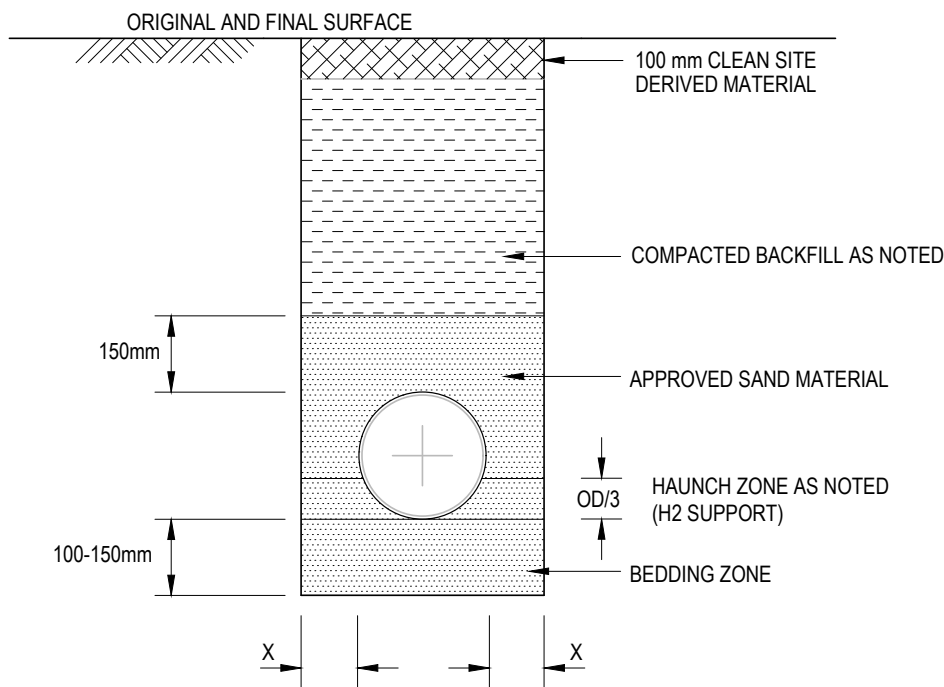
GUIDE TO DISCONNECTION SUB-SOIL DRAINS WHERE REQUIRED, FOR PLANNING, SUBDIVISION, OR BUILDING APPROVAL.

REVISION: 1	SHEET: A3	SCALE: 1:50	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-121
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- NOTE:
- 1. COMPACTED BACKFILL TO BE APPROVED CLASS 4 ROAD BASE, U.N.O.
 - 2. HAUNCH ZONE TO BE APPROVED SAND MATERIAL.
 - 3. BEDDING ZONE TO BE COMPACTED APPROVED SAND MATERIAL DEPTH TO BE 100mm MIN. FOR DIA. < 1500mm AND 150mm MIN. FOR DIA. > 1500mm.
 - 4. CLEARANCE 'X' - O.D./3. MINIMUM 150mm AND MAXIMUM 300mm UNLESS OTHERWISE SPECIFIED.
 - 5. COMPACTION TO BE 95% S.M.D.D. BY CHARACTERISTIC VALUE OF DENSITY RATIO (IN 150mm LAYERS)
 - 6. TESTING - EVERY 50m OR BETWEEN PITS, WHICH EVER IS GREATER.

PIPE BACKFILL DETAIL - ROAD PAVEMENT
N.T.S.



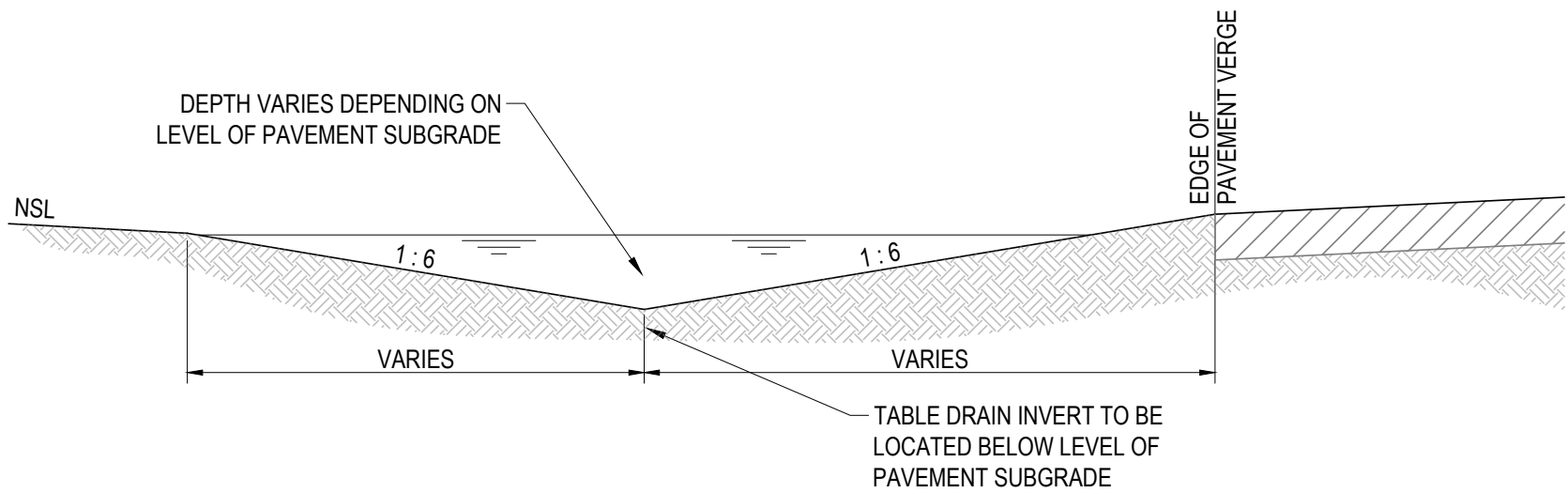
- NOTE:
- 1. COMPACTED BACKFILL TO BE SITE WON MATERIAL OR SIMILAR.
 - 2. HAUNCH ZONE TO BE APPROVED SAND MATERIAL.
 - 3. BEDDING ZONE TO BE COMPACTED APPROVED SAND MATERIAL DEPTH TO BE 100mm MIN. FOR DIA. < 1500mm AND 150mm MIN. FOR DIA. > 1500mm.
 - 4. CLEARANCE 'X' - O.D./3. MINIMUM 150mm AND MAXIMUM 300mm UNLESS OTHERWISE SPECIFIED.
 - 5. COMPACTION TO BE 95% S.M.D.D. BY CHARACTERISTIC VALUE OF DENSITY RATIO (IN 150mm LAYERS)
 - 6. TESTING IS NOT REQUIRED AT THIS STAGE.

PIPE BACKFILL DETAIL - LANDSCAPED AREAS
N.T.S.

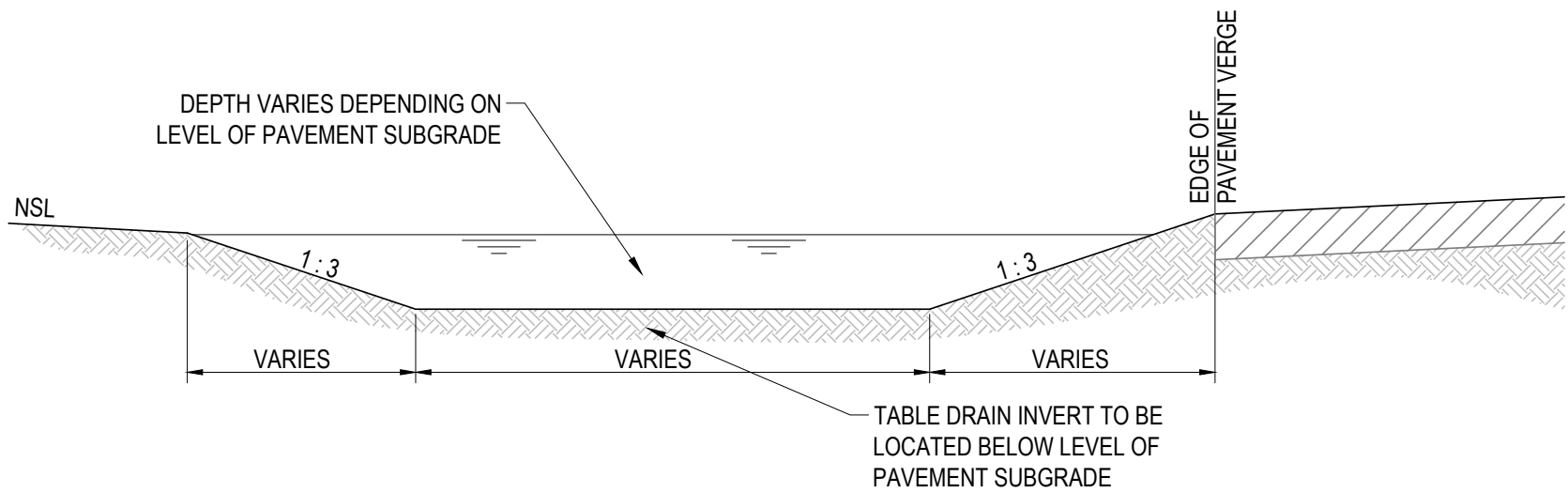
- NOTE:
- ALL DIMENSIONS ARE IN MILLIMETRES UNLESS NOTED OTHERWISE.
 - RECYCLED BEDDING AND BACKFILL MATERIAL CAN BE SUBSTITUTED ON APPROVAL OF MRCC REPRESENTATIVE.

FINAL DRAFT

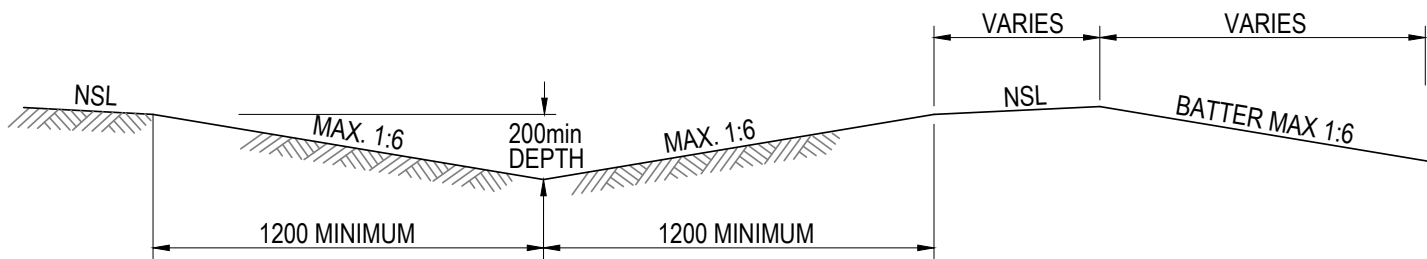
<div></div> <div>Mildura Rural City Council</div> <div>108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</div>			<div>PIPE BACKFILL DETAILS</div> <div>ROAD PAVEMENT & LANDSCAPED AREAS</div>		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-130



TYPICAL 'V' TABLE DRAIN DETAIL
N.T.S.




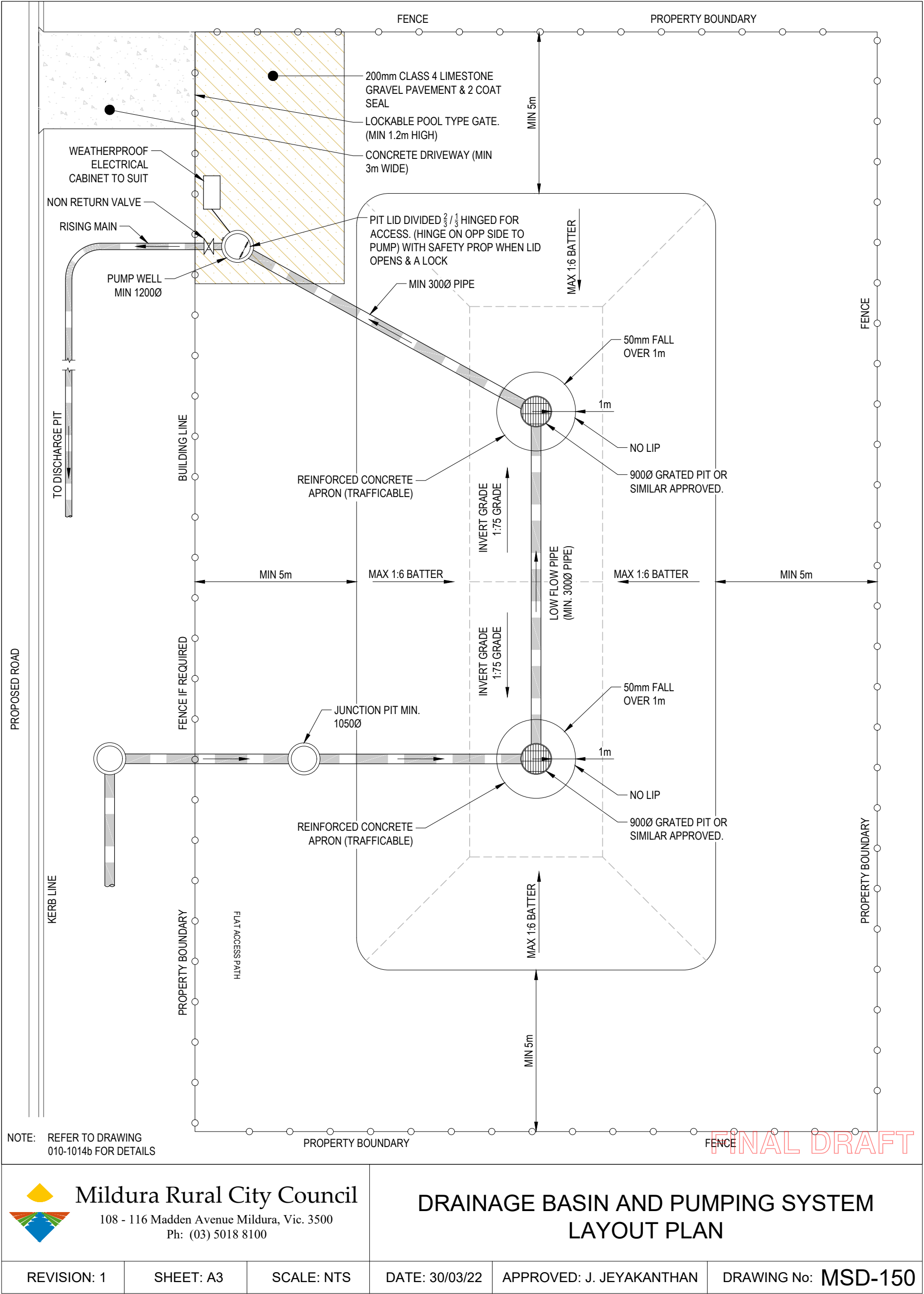
TYPICAL TRAPEZODIAL TABLE DRAIN DETAIL
N.T.S.



TYPICAL EMBANKMENT CATCH DRAIN DETAIL
N.T.S.

FINAL DRAFT

<div><div>Mildura Rural City Council 108 - 116 Madden Avenue Mildura, Vic. 3500 Ph: (03) 5018 8100</div></div>			TYPICAL TABLE DRAIN & CATCH DRAIN DETAILS		
REVISION: 1	SHEET: A3	SCALE: NTS	DATE: 30/03/22	APPROVED: J. JEYAKANTHAN	DRAWING No: MSD-140





15 URGENT BUSINESS

Nil

16 COMMUNITY QUESTIONS

17 CONFIDENTIAL BUSINESS

17.1 RELEASE OF CONFIDENTIAL COUNCIL REPORTS

Section 3(1)(h) - Confidential meeting information, being the records of meetings closed to the public under section 66(2)(a)

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this agenda item, may prejudice Council should Council wish to keep any of the information in confidential.

17.2 TENDER AWARD - MUNICIPAL ASSOCIATION OF VICTORIA - PROVISION OF PARKS AND PLAYGROUND EQUIPMENT AND ASSOCIATED PRODUCTS AND SERVICES – RFT NUMBER D060125

Section 3(1)(a) - Council business information, being information that would prejudice the Council's position in commercial negotiations if prematurely released

Pursuant to section 66(5)(b) of the Local Government Act 2020, if released the information to be received, discussed or considered in relation to this Agenda item, may prejudice the commercial position of Council, as various negotiations remain pending.

18 CLOSURE